Cambridge International AS & A Level

**Cambridge Assessment International Education**
Cambridge International Advanced Subsidiary and Advanced Level

**LAW** **9084/21**

Paper 2 **May/June 2019**

MARK SCHEME

Maximum Mark: 50

**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**

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**
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.

**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.

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| Question | Answer | Marks |
|---|---|---|
| 1(a) | **Explain how the Juries Act 1974 will apply in this situation.**<br><br>**Band 1** **[0 marks]**<br>Irrelevant answer.<br><br>**Band 2–3** **[1–5 marks]**<br>A candidate needs to be selective in choosing the correct part of the source material.<br>• Principle without section – understanding that the order made by Mrs Justice Teal is valid and that Sue can keep her phone<br>**and/or**<br>• Reference to s15A Juries Act 1974 with little or no development.<br><br>**Band 4** **[6–7 marks]**<br>Some development of any of s15A(1) and/or (2) and/or (3) and/or (4) and some application.<br><br>**Band 5** **[8–10 marks]**<br>Full development of the relevant sections. Conclusion: Mrs Justice Teal can make a valid order under s15A(1) which meets both (2)(a) and (b) as she fears the trial may be affected and photographs sent to the media. Her order is valid under (3)(c) and (d) as it covers the visit to the murder site and she can make an exception for Sue under (4). | **10** |
| 1(b) | **Explain how the Courts Act 2003 will apply in this situation.**<br><br>**Band 1** **[0 marks]**<br>Irrelevant answer.<br><br>**Band 2–3** **[1–5 marks]**<br>A candidate needs to be selective in choosing the correct part of the source material.<br>• Principle without section – understanding that the seizure of Ben's phone is, overall, invalid due to the unauthorised search<br>**and/or**<br>• Reference to s54A Courts Act 2003 with little or no development.<br><br>**Band 4** **[6–7 marks]**<br>Some development of any of s54A(1) and/or (2) and/or (3) and/or (4) and some application.<br><br>**Band 5** **[8–10 marks]**<br>Full development of the relevant sections. Conclusion: Ben's phone cannot be seized by Pete. There has been a valid order under s54A(1) and Pete is doing his duty under (2) as he is acting on the judge's orders. Although Pete follows the correct procedure in (4)(a) and (b) in relation to Ben's phone, the search is unauthorised under (3) as Pete tells Ben to remove his trousers. | **10** |

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| Question | Answer | Marks |
|---|---|---|
| 1(c) | **Explain how the Juries Act 1974 and the Courts Act 2003 will apply in this situation.**<br><br>**Band 1** **[0 marks]**<br>Irrelevant answer.<br><br>**Band 2–3** **[1–5 marks]**<br>A candidate needs to be selective in choosing the correct part of the source material.<br>• Principle without section – understanding that Harriet has committed contempt of court and the search by Jane at court has not been authorised by the judge<br>**and/or**<br>• Reference to s15A Juries Act 1974 and/or s54A Courts Act 2003 with little or no development.<br><br>**Band 4** **[6–7 marks]**<br>Some development of any of s15A(1) and/or s54A(2) Courts Act 2003 and some application.<br><br>**Band 5** **[8–10 marks]**<br>Full development of the relevant sections. Conclusion: Harriet has committed contempt of court but Jane's search at court has not been authorised by the judge. The judge has made a valid order under s15A(1); under (2)(a) it is in the interests of justice and is also proportionate under (b). As it only covers their time in the hotel this is covered by (3)(b) and Harriet commits contempt of court under (5) when she keeps one phone. Jane's search comes within s54A(3) as Harriet is only asked to remove her coat but it breaches s54A(2) as there has been no order to cover proceedings at court by the judge. | **10** |
| 1(d) | **Describe the qualifications for jury service and the process by which a jury is selected. Assess the advantages of trial by jury.**<br><br>**Band 1** **[0 marks]**<br>Irrelevant answer.<br><br>**Band 2** **[1–6 marks]**<br>Describes the qualifications for jury service and the selection process and/or assesses the advantages of jury trial in very general terms.<br><br>**Band 3** **[7–13 marks]**<br>Some more detailed references on the qualifications for jury service and the selection process, perhaps with a factual approach, and/or some assessment of the advantages of jury trial.<br><br>**Band 4–5** **[14–20 marks]**<br>Very good discussion of both the qualifications for jury service and the selection process and good assessment of the advantages of jury trial. To reach higher marks candidates need to deal with both parts of the question, showing a good level of detail and good critical awareness linked to the question. | **20** |

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| Question | Answer | Marks |
|---|---|---|
| 2(a) | **Explain whether Rufus has committed an offence under the Pet Animals Act 1951.**<br><br>**Band 1** **[0 marks]**<br>Irrelevant answer.<br><br>**Band 2–3** **[1–5 marks]**<br>A candidate needs to be selective in choosing the correct part of the source material.<br>• Principle without section – understanding that Rufus has committed an offence<br>**and/or**<br>• Reference to s1 and/or s4 Pet Animals Act 1951 with little or no development.<br><br>**Band 4** **[6–7 marks]**<br>Some development of any of s1 and/or s4 and some application.<br><br>**Band 5** **[8–10 marks]**<br>Full development of the relevant sections. Conclusion: Rufus has committed an offence under s1(7). Under s1(1) he does have a licence when he sells Trevor the puppy but he has breached the conditions under (3)(b) as there is no food or water in the cages and under (3)(e) as the emergency exit is blocked. Rufus also commits an offence under s4 as Claire is lawfully authorised by the local authority to visit Rufus' shop under (1) and as 10:00 is a reasonable time he breaches (2) when he will not let Claire in. | **10** |
| 2(b) | **Explain whether Alison has committed an offence under the Pet Animals Act 1951.**<br><br>**Band 1** **[0 marks]**<br>Irrelevant answer.<br><br>**Band 2–3** **[1–5 marks]**<br>A candidate needs to be selective in choosing the correct part of the source material.<br>• Principle without section – understanding that Alison has committed an offence<br>**and/or**<br>• Reference to s1 and/or s2 Pet Animals Act 1951 with little or no development.<br><br>**Band 4** **[6–7 marks]**<br>Some development of any of s1 and/or s2 and some application.<br><br>**Band 5** **[8–10 marks]**<br>Full development of the relevant sections. Conclusion: Alison has committed an offence under s1(7). She has committed an offence under s1(6) as her licence has expired when she sold the kittens on 2 January 2018 and she has contravened s1(3)(a) because the cages were overcrowded and so she was in breach of a condition imposed by the local authority. She has also committed an offence under s2 as she sold 20 kittens at a market. | **10** |

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| Question | Answer | Marks |
|---|---|---|
| 2(c) | **Explain whether Amit has committed an offence under the Pet Animals Act 1951.**<br><br>**Band 1** **[0 marks]**<br>Irrelevant answer.<br><br>**Band 2–3** **[1–5 marks]**<br>A candidate needs to be selective in choosing the correct part of the source material.<br>• Principle without section – understanding that Amit has probably committed an offence<br>**and/or**<br>• Reference to s1 and/or s3 Pet Animals Act 1951 with little or no development.<br><br>**Band 4** **[6–7 marks]**<br>Some development of any of s1 and/or s3 and some application.<br><br>**Band 5** **8–10 marks]**<br>Full development of the relevant sections. Conclusion: Amit has probably committed an offence. His licence is valid under s1(1) as he has complied with the conditions under s1(3)(a) and (b). It is also valid on the day he sells the snake under s1(5) or s1(6). Amit has probably committed an offence under s3 as he simply asked Ben his age but candidates may argue in the alternative based on what is 'reasonable' in the circumstances as long as their answer is well-supported. | **10** |
| 2(d) | **Describe and evaluate the rules of statutory interpretation used by judges.**<br><br>**Band 1** **[0 marks]**<br>Irrelevant answer.<br><br>**Band 2** **[1–6 marks]**<br>Describes the rules of statutory interpretation and/or evaluates their use by judges in very general terms.<br><br>**Band 3** **[7–13 marks]**<br>Some more detailed references to the rules of statutory interpretation including relevant citation, perhaps focused on factual aspects and/or some general evaluation of their use by judges.<br><br>**Band 4–5** **[14–20 marks]**<br>Very good detail on the rules of statutory interpretation and good evaluation of their use. To reach higher marks all parts of the question need to be dealt with in detail showing good critical awareness. | **20** |

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