Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/12**

Paper 1 **May/June 2020**

MARK SCHEME

Maximum Mark: 75

Published

Students did not sit exam papers in the June 2020 series due to the Covid-19 global pandemic.

This mark scheme is published to support teachers and students and should be read together with the question paper. It shows the requirements of the exam. The answer column of the mark scheme shows the proposed basis on which Examiners would award marks for this exam. Where appropriate, this column also provides the most likely acceptable alternative responses expected from students. Examiners usually review the mark scheme after they have seen student responses and update the mark scheme if appropriate. In the June series, Examiners were unable to consider the acceptability of alternative responses, as there were no student responses to consider.

Mark schemes should usually be read together with the Principal Examiner Report for Teachers. However, because students did not sit exam papers, there is no Principal Examiner Report for Teachers for the June 2020 series.

Cambridge International will not enter into discussions about these mark schemes.

Cambridge International is publishing the mark schemes for the June 2020 series for most Cambridge IGCSE™ and Cambridge International A & AS Level components, and some Cambridge O Level components.

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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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Mark Bands

The mark bands and descriptors applicable to all questions on the paper are as follows. Maximum mark allocations are indicated in the table at the foot of the page.

Indicative content for each of the questions follows overleaf.

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.
OR
The candidate attempts to introduce an explanation and/or analysis but it is so fundamentally undermined by error and confusion that it remains substantially incoherent.

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	**It is often claimed that juries get too many decisions wrong.** **Explain the role of both civil and criminal juries and assess the validity of the statement above.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the role of civil and/or criminal juries but with no real detail or accuracy. No evaluative content. **Band 3 [7–12 marks]** Candidate gives a brief account of the role of juries in civil and/or criminal cases. This is, however, likely to be superficial and poorly explained. There is unlikely to be any detailed evaluative content beyond vague and unsupported criticisms. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of the role of juries in both civil and criminal cases with some useful detail, exemplification, and where appropriate, statutory authority. Better candidates will attempt to include some evaluative criticism linked to the question but at the lower end of this band this content may be vague, and lacking in detail or reasoned argument. **Band 5 [20–25 marks]** Candidate gives a clear and very detailed explanation of the role of juries in both civil and criminal cases and with good levels of illustration and explanation. Candidate will address the evaluative component well, presenting clear arguments and drawing logical and well informed conclusions.	**25**

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Question	Answer	Marks
2	**Discuss the contribution of Equity to the legal system today.** **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. There may be an overreliance on historical content. **Band 3 [7–12 marks]** Candidate gives a brief but generally accurate explanation of the concept of Equity. There may be brief mention of concepts, maxims or remedies, but these may be superficial, poorly explained and not well linked to the question. There is unlikely to be any discussion of detail and very little, if any, reference to the evaluative issues within the question and an overreliance on historical content. **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. A brief account of historical development may be included and credited, but not to a great extent as this is not the main focus of the question. Better candidates may begin to address the evaluative 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	**Explain the composition and work of tribunals. Assess the advantages and disadvantages of the tribunal system.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the concept of and need for tribunals. 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 composition and procedure of tribunals but this is likely to be weak and poorly explained. There is unlikely to be any discussion of detail and only simplistic reference to the evaluative issues within the question. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation, with illustration, of the role, organisation, composition and function of some tribunals but, at the lower end of the band, may not have wide-ranging illustration. Better responses may begin to address the evaluative issues within the question, comparing the effectiveness of tribunals and the courts, but this may not be wide-ranging. **Band 5 [20–25 marks]** Candidate gives a clear and very detailed explanation of a variety of tribunals with good levels of illustration and explanation. Candidate evaluates the issues within the question well; covering the effectiveness and success of tribunals, considering the disadvantages and comparing them to court processes. Candidate draws well-informed conclusions on their effectiveness.	**25**

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Question	Answer	Marks
4	**The creation of the Human Rights Act 1998 has been considered an important step in the protection of the rights of individuals.** **Explain the rights protected by this legislation and assess the extent to which it has been successful.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the HRA but is unlikely to include any detail beyond general aims/articles. **Band 3 [7–12 marks]** Candidate gives a basic explanation of the HRA and its effect on the citizen in the UK. There is unlikely to be any detail beyond brief citation of articles or sections of the act. Candidates may do little more than rehearse the rights protected by the act. The evaluative aspect of the question is unlikely to be considered. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of the HRA and the way in which it has affected citizens. At the upper end of the band, there may be good examples drawn from case law and detail on the relevant articles. At the upper end of the band the candidate makes attempts to address the evaluative component of the question. **Band 5 [20–25 marks]** Candidate gives a clear explanation of the HRA with good citation of the act/articles (as in Band 4) and a wide range of relevant case law. Candidate clearly addresses the evaluative component of the question.	**25**

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Question	Answer	Marks
5	**Explain the sentences available to the court following the conviction of a young offender for a serious offence. Justify which of the aims of sentencing a court might wish to achieve in this instance.** **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 does not link aims to sentences with any consistency. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of the aims of sentencing with some links to relevant sentences. Better responses 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**

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Question	Answer	Marks
6	**Explain the training and role of a solicitor. Discuss the problems that might be faced by someone intending to enter this profession.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the training and/or work of solicitors. Candidates are unlikely to offer any illustration and give no reference to the evaluative issues within the question. **Band 3 [7–12 marks]** Candidate gives a basic explanation of the training and/or work of the solicitor, but this is unlikely to have any illustration and little or no reference to evaluative aspects of the question. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of the training and work of solicitors but the two elements may not be balanced. There will be reference to training pathways and detail on the role of the profession. There may be some reference to statutory authority. There will be some attempts to link to the evaluative components of the question, considering the length and expense of training and some may make comparative points with that of a barrister. **Band 5 [20–25 marks]** Candidate gives a clear and very detailed explanation of the training and work of the solicitor with good levels of detail and statutory authority where relevant. Candidates who do not address both elements may not achieve Band 5. Better responses may discuss complaints processes and make comparisons with the barrister. Candidates will address the evaluative components of the question and draw well-reasoned conclusions.	**25**

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