Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/13**

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	**Jenny recently bought an expensive refrigerator from ABC Kitchens. It has now broken down.** **Explain the most relevant methods of alternative dispute resolution (ADR) available to Jenny. Discuss the advantages and disadvantages of each method.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the idea of ADR but there will be no coherent or detailed explanation of the various types. Candidate does not relate answer to scenario. **Band 3 [7–12 marks]** Candidate gives a basic explanation of some of the different types of ADR and the circumstances in which each type would be used but may not directly link them to the scenario or may include irrelevant types of ADR. Candidate can demonstrate some limited understanding of why it can provide a better solution then using the courts for Jenny. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of most of the relevant types of ADR and the circumstances in which each type may be used. Candidate includes some discussion of the various advantages and disadvantages of each type in relation to Jenny's problem. **Band 5 [20–25 marks]** Candidate gives a clear explanation of all the relevant types of ADR and the circumstances in which each type would be used. Candidate offers clear and informed links to the evaluative component of the question and links the answer clearly to Jenny's problem.	**25**

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Question	Answer	Marks
2	**Both the way in which magistrates are selected and the training they receive are inadequate.** **Describe both the selection and training of lay magistrates. Assess whether the statement above is justified.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the recruitment and/or training of lay magistrates but with no real detail or accuracy. Very minimal and unfocussed evaluation. **Band 3 [7–12 marks]** Candidate gives a brief account of the recruitment and/or training of the lay magistrate. This is, however, likely to be superficial and poorly explained. Any evaluative content is likely to be vague and unfocussed. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of the recruitment and/or training with some useful detail and exemplification. Better responses will attempt to include some evaluative content addressing the question, but this may be vague and lacking in detail or reasoned argument. Candidates would be unlikely to achieve more than 13 marks if they if they restrict their discussion to only recruitment or training. **Band 5 [20–25 marks]** Candidate gives a clear and very detailed explanation of both recruitment and training with good levels of illustration and explanation. Candidate will address the evaluative component well, presenting well-reasoned arguments and drawing logical and well-informed conclusions.	**25**

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Question	Answer	Marks
3	**Explain how the system of precedent operates. Assess the extent to which there are adequate ways for a judge to avoid precedent.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of precedent, but with no real detail or accuracy. Candidate may make brief reference to methods of avoiding a precedent, but these may be under-developed and list-like with little or no relevant citation. **Band 3 [7–12 marks]** Candidate gives a brief but generally accurate explanation of the workings of precedent. These are, however, likely to be superficial and poorly explained with little citation or development. There is unlikely to be any detailed discussion of avoidance techniques and little developed reference to the evaluative aspect of the question. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of the concepts of precedent with some useful detail, citation and exemplification. Candidates may consider ratio, obiter and the position of the various courts with reference to the ability to develop law. Better responses will go on to examine avoidance techniques such as the Practice Direction, Young, distinguishing, overruling and reversing but at the lower end of the band this is unlikely to have much case example. Candidates may address some of the evaluative issues and relate this to the question. **Band 5 [20–25 marks]** Candidate gives a clear and very detailed explanation of the concepts of precedent (as in Band 4) with good levels of illustration and explanation. Candidate clearly discusses avoidance techniques (as in Band 4) and links them clearly to the evaluative issues in the question presenting logical and reasoned arguments.	**25**

Question	Answer	Marks
4	**Describe <u>three</u> types of delegated legislation. Assess whether the advantages of delegated legislation outweigh the disadvantages.** **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. Candidate is unlikely to offer any illustration. No reference to the evaluative issues within the question. **Band 3 [7–12 marks]** Candidate gives a generally accurate 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 evaluative issues within the question. **Band 4 [13–19 marks]** Candidate gives a good 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. Better responses may offer some evaluative discussion issues within the question identifying the problems and benefits of DL. **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. Candidate explains the controls clearly and in some detail, evaluates the issues within the question clearly and draws well-informed conclusions.	**25**

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Question	Answer	Marks
5	**Marie has been arrested for theft of a car and taken to Barchester Police Station for questioning.** **Explain Marie's rights once she arrives at the police station. Assess the extent to which these rights make the job of the police investigating crime difficult.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the law protecting those who have been taken to a police station but is unlikely to include any detail or any reference to authority or the scenario within the question. **Band 3 [7–12 marks]** Candidate gives a basic explanation of the rights of those detained. There is unlikely to be any detail or citation of statute, codes or case examples. The scenario may not be addressed. The evaluative aspect of the question is unlikely to be considered. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of the rights of those detained. At the upper end of the band there may be references to PACE and the relevant codes, perhaps with some illustration using case law. This is linked to the scenario. Candidate makes attempts to address the evaluative component of the question. **Band 5 [20–25 marks]** Candidate gives a clear explanation of the rights of those detained with good citation of statute, codes and case law. This is well linked to the scenario. Candidate clearly addresses the evaluative component of the question.	**25**

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Question	Answer	Marks
6	**Explain the recruitment and selection process for the judiciary. Assess how far it is true to say that the right people are chosen for the job.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the recruitment and training process of the judiciary but is unlikely to give any detail. There may be limited points of evaluation but these are not developed. **Band 3 [7–12 marks]** Candidate gives a brief explanation of the recruitment and training of some types of judge, but these may be superficial and poorly explained. There is unlikely to be any discussion of training, and little, if any, reference to the evaluative issues within the question. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of the recruitment and training of most types of judge but may not have wide-ranging detail. Better responses may begin to address the evaluative issues of the adequacy of judicial training, 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 detailed explanation of the recruitment and training of all types of judge. Candidate evaluates the issues of judicial training within the question and draws informed and logical conclusions.	**25**

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