Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/22**

Paper 2 **May/June 2020**

MARK SCHEME

Maximum Mark: 50

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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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 Public Order Act 1986 will apply in this situation.** **Band 1 [0 marks]** Irrelevant answer. **Band 2/3 [1–5 marks]** A candidate needs to be selective in choosing the correct part of the source material. • Principle without section – understanding that an offence of violent disorder has not been committed. **and/or** • Reference to s2 and/or s8 Public Order Act 1986 and/or R v NW with little or no development. **Band 4 [6–7 marks]** Some development of s2 and/or s8 Public Order Act 1986 and/or R v NW and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: an offence of violent disorder has not been committed. Under s2(1) there are three or more persons as Simon and Miguel engage with the rival fans, Phil retaliates and a reasonable person in the form of the frightened fan calls the police. It does not matter under (2) that Phil's force comes later and the violence occurs outside the football ground which is a public place under (4). R v NW would be applied in relation to Phil. Simon would be covered by s8 when he waves the metal bar. However, the offence is not committed if Miguel is only shouting the name of his football club as that is not a threat of violence.	**10**

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Question	Answer	Marks
1(b)	**Explain how the Public Order Act 1986 will apply in this situation.** **Band 1 [0 marks]** Irrelevant answer. **Band 2/3 [1–5 marks]** A candidate needs to be selective in choosing the correct part of the source material. • Principle without section – understanding that an offence has been committed. **and/or** • Reference to s3 and/or s8 Public Order Act 1986 and/or R v Sanchez with little or no development. **Band 4 [6–7 marks]** Some development of s3 and/or s8 Public Order Act 1986 and/or R v Sanchez and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: an offence of affray has been committed. Under s3(1) the initial push by Junaid could be unlawful violence and the other diners are frightened. The behaviour of both Junaid and William would be covered by (2) when they throw things at each other. The throwing of the items at each other also satisfies s8(a) and (b). When William tries to attack the police officer with a knife and a diner faints R v Sanchez can be applied to complete the offence.	**10**

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Question	Answer	Marks
1(c)	**Explain how the Public Order Act 1986 will apply in this situation.** **Band 1 [0 marks]** Irrelevant answer. **Band 2/3 [1–5 marks]** A candidate needs to be selective in choosing the correct part of the source material. • Principle without section – understanding that an offence of affray has been committed. **and/or** • Reference to s3 and/or s8 Public Order Act 1986 and/or R v Dixon with little or no development. **Band 4 [6–7 marks]** Some development of s3 and/or s8 Public Order Act 1986 and/or R v Dixon and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: an offence of affray has been committed. When Sue shouts at Clare from her flat there is no affray as under s3(5) the offence cannot be committed by words alone. There is an offence under s3(2) when Sue and Clare fight in the square and under (4) it does not matter that the person who is frightened and calls the police is not actually in the square. The town square is a public place, satisfying (5) and there is violent conduct sufficient under s8(a) and (b). When Clare urges her dog to attack the police officer this is covered by R v Dixon and an offence is committed.	**10**
1(d)	**Describe the tools, other than the rules of statutory interpretation, available to judges. Assess the effectiveness of these tools.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Describes the tools judges can use and/or assess their effectiveness in very general terms. **Band 3 [7–13 marks]** Some more detailed description of the tools used by judges, perhaps with a factual approach, and/or some assessment of their effectiveness. **Band 4/5 [14–20 marks]** Very good discussion of both the tools judges can use (such as internal and external aids and rules of language) and good assessment of their effectiveness. 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 how the Legal Services Act 2007 will apply to Priya in this situation.** **Band 1 [0 marks]** Irrelevant answer. **Band 2/3 [1–5 marks]** A candidate needs to be selective in choosing the correct part of the source material. • Principle without section – understanding that the OLC will not be able to help Priya as it has not been put together lawfully. **and/or** • Reference to Schedule 15 Legal Services Act 2007 with little or no development. **Band 4 [6–7 marks]** Some development of Schedule 15 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: the OLC will be unable to deal with Priya's complaint as it has not been put together correctly as a body. Under Schedule 15 1(1)(a) the Chairman is properly appointed, as are the six other members under (b). Under 2(1) most members are lay people, as is the Chairman which satisfies (2). However, although 6(1) and (2) are met (3) is breached by the member who has been on the OLC twice before.	**10**
2(b)	**Explain how the Legal Services Act 2007 will apply in this situation.** **Band 1 [0 marks]** Irrelevant answer. **Band 2/3 [1–5 marks]** A candidate needs to be selective in choosing the correct part of the source material. • Principle without section – understanding that the OLC cannot deal with the complaint as it has not been put together correctly. **and/or** • Reference to Schedule 15 Legal Services Act 2007 with little or no development. **Band 4 [6–7 marks]** Some development of Schedule 15 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: the OLC is not properly constituted and so will not be able to hear the complaint about the barrister. Fred's resignation is acceptable under 8(1) as he has given notice to the Board. It would be legal for the Board to remove Colin under 8(2)(c) as he is an undischarged bankrupt. It is also legal to remove Jack under 2(b) as he has committed theft and under (3) as the Lord Chancellor has approved his removal. However, the appointment of Alan is not legal under 1(2) as he is not a lay person.	**10**

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Question	Answer	Marks
2(c)	**Explain how the Legal Services Act 2007 will apply in this situation.** **Band 1 [0 marks]** Irrelevant answer. **Band 2/3 [1–5 marks]** A candidate needs to be selective in choosing the correct part of the source material. • Principle without section – understanding that the OLC will be able to hear Trevor's complaint about the judge. **and/or** • Reference to Schedule 15 Legal Services Act 2007 with little or no development. **Band 4 [6–7 marks]** Some development of Schedule 15 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: the OLC is properly constituted and so they will be able to handle Trevor's complaint. Juan can be appointed under 13 and his elevation to the OLC as a member is lawful under 15. Ann can be removed under 8(1)(b) as she falls under 8(2)(a) by missing meetings without explanation. The removal is valid under 8(4) as the Chairman has been consulted and it meets 8(5) as the letter is written one month later. The appointment of Maria is legal under 2 as she is a lay person.	**10**
2(d)	**Describe the education and training needed to become a barrister. Assess the extent to which the it is fit for purpose in the twenty-first century.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Describes the education and training for barristers and/or assesses the fitness for purpose of the Bar in very general terms. **Band 3 [7–13 marks]** Some more detailed references to the education and training of barristers, perhaps focused on factual aspects such as university education, the professional academic training and pupillage and/or some general assessment of the fitness for purpose of the Bar, perhaps considering areas such as accessibility, diversity, earning potential and the types of work undertaken. **Band 4/5 [14–20 marks]** Very good detail on the education and training of barristers and good assessment of the Bar's fitness for purpose. 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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