Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/23**

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 Import of Live Fish (England and Wales) Act 1980 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 there is no valid licence. **and/or** • Reference to s1 and/or s3 Import of Live Fish (England and Wales) Act 1980 with little or no development. **Band 4 [6–7 marks]** Some development of any of s1 and/or s3 and some application **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: there is no valid licence. Canadian salmon may come under s1(1) as they breed larger fish and could displace English salmon. However, the licence is valid under (2) as the Minister and the charge of £500 is laid under (4). Anna commits an offence under s3(1)(b) when she imports the Canadian salmon without paying the licence charge.	**10**
1(b)	**Explain how the Import of Live Fish (England and Wales) Act 1980 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 no offence has been committed. **and/or** • Reference to s1 and/or s2 and/or s3 Import of Live Fish (England and Wales) Act 1980 with little or no development. **Band 4 [6–7 marks]** Some development of any of s1 and/or s2 and/or s3 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: no offence has been committed. The live fish eggs come under s1(1) as they could destroy the habitat of the native species. The Minister has consulted under (2) and the condition imposed makes the licence valid under (3). It seems likely that the vet breaches s2(1) by arriving very early in the morning. Although Guido may breach s3(1)(c) as he will not let the vet in he will have a valid defence under s3(2).	**10**

Question	Answer	Marks
1(c)	**Explain how the Import of Live Fish (England and Wales) Act 1980 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 s1 and/or s2 and/or s3 Live Fish (England and Wales) Act 1980 with little or no development **Band 4 [6–7 marks]** Some development of any of s1 and/or s2 and/or s3 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: an offence has been committed. There appears to be a valid licence under s1(1) but with a specific condition as allowed by (3) and Arnie breaches this by mixing the shellfish. Arnie would appear to commit an offence under s3(1)(b) as he has not met the condition of his licence. The inspector appears to fulfil the terms of s3(4) but under s2(2) the inspector cannot go into Arnie's house and seize the live eggs.	**10**
1(d)	**Describe the legislative process used when making an Act of Parliament. Assess the extent to which this leads to the making of effective laws.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Describes the legislative process used by Parliament and/or assesses its effectiveness in very general terms. **Band 3 [7–13 marks]** Some more detailed description of the legislative process used by Parliament, by reference to the role of the House of Commons, the House of Lords and the monarch, perhaps with a factual approach and/or some assessment of the effectiveness of these processes in law making. **Band 4/5 [14–20 marks]** Very good discussion of a wide range of the processes used by Parliament when making laws and good assessment as to the extent to which this results in effective laws, perhaps looking at wider issues such as parliamentary time and expertise, the extent to which Parliament is constrained by government and the inadequacies of the drafting process. 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**

Question	Answer	Marks
2(a)	**Explain how the Employment Tribunals Rules of Procedure 2013 will apply to Kate.** **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 Kate can bring her case but she will have to wait until Bill is better. **and/or** • Reference to Rule 8 and/or 15 and/or 20 Employment Tribunals Rules of Procedure 2013 with little or no development. **Band 4 [6–7 marks]** Some development of any of Rule 8 and/or 15 and/or 20 Employment Tribunals Rules of Procedure 2013 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Kate will have to wait for Bill to get better. She has made a valid application under Rule 8. The Tribunal's response meets the requirements of Rule 15. Bill's letter appears to meet Rule 20(1) as he explains why he cannot respond. Kate's opposition meets 20(2) but the Judge's decision under 20(3) appears to be valid as it can be done without a hearing.	**10**
2(b)	**Explain how the Employment Tribunals Rules of Procedure 2013 will apply to Paul.** **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 Paul will win his case as the process has been conducted properly. **and/or** • Reference to Rule 42 and/or 46 and/or 49 and/or 61 Employment Tribunals Rules of Procedure 2013 with little or no development. **Band 4 [6–7 marks]** Some development of any of Rule 42 and/or 46 and/or 49 and/or 61 Employment Tribunals Rules of Procedure 2013 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Paul will win his case. William's evidence can be considered under Rule 42 as it is sent to all the parties and within the time limit. When Charles gives his evidence by telephone this is admissible under Rule 46 as everyone in the room can hear it. The decision is valid under Rule 49 as it is made by a majority of the Tribunal members and what it contains meets Rule 61.	**10**

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Question	Answer	Marks
2(c)	**Explain how the Employment Tribunals Rules of Procedure 2013 will apply to Amir.** **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 hearing has been properly conducted and concluded in Sheena's favour. **and/or** • Reference to of Rule 8 and/or 15 and/or 16 and/or 45 and/or 47 and/or 49 Employment Tribunals Rules of Procedure 2013 with little or no development. **Band 4 [6–7 marks]** Some development of any of Rule 8 and/or 15 and/or 45 and/or 47 and/or 49 Employment Tribunals Rules of Procedure 2013 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Amir's case has been properly conducted and decided. He has sent the proper form under Rule 8 and the rejection of one part is allowed under Rule 15. The restriction on the time Amir has is valid under Rule 45 but the hearing can proceed under Rule 47 even though Hamish speaks for Sheena and the decision is valid under Rule 49.	**10**
2(d)	**Describe the work of tribunals. Assess the advantages and disadvantages of tribunals.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Describes the work of tribunals and/or assesses their advantages and disadvantages in very general terms. **Band 3 [7–13 marks]** Some more detailed references to work of tribunals, which may include examples of tribunals as well as their composition and procedures, but perhaps focused on factual aspects and/or some general assessment of their advantages and disadvantages. **Band 4/5 [14–20 marks]** Very good detail on the work of tribunals and good assessment of their advantages and disadvantages. 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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