Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/21**

Paper 2 **May/June 2021**

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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Social Science-Specific Marking Principles (for point-based marking)

1 Components using point-based marking:

- Point marking is often used to reward knowledge, understanding and application of skills. We give credit where the candidate's answer shows relevant knowledge, understanding and application of skills in answering the question. We do not give credit where the answer shows confusion.

From this it follows that we:

a DO credit answers which are worded differently from the mark scheme if they clearly convey the same meaning (unless the mark scheme requires a specific term)

b DO credit alternative answers/examples which are not written in the mark scheme if they are correct

c DO credit answers where candidates give more than one correct answer in one prompt/numbered/scaffolded space where extended writing is required rather than list-type answers. For example, questions that require *n* reasons (e.g. State two reasons …).

d DO NOT credit answers simply for using a 'key term' unless that is all that is required. (Check for evidence it is understood and not used wrongly.)

e DO NOT credit answers which are obviously self-contradicting or trying to cover all possibilities

f DO NOT give further credit for what is effectively repetition of a correct point already credited unless the language itself is being tested. This applies equally to 'mirror statements' (i.e. polluted/not polluted).

g DO NOT require spellings to be correct, unless this is part of the test. However spellings of syllabus terms must allow for clear and unambiguous separation from other syllabus terms with which they may be confused (e.g. Corrasion/Corrosion)

2 Presentation of mark scheme:

- Slashes (/) or the word 'or' separate alternative ways of making the same point.
- Semi colons (;) bullet points (•) or figures in brackets (1) separate different points.
- Content in the answer column in brackets is for examiner information/context to clarify the marking but is not required to earn the mark (except Accounting syllabuses where they indicate negative numbers).

3 Annotation:

- For point marking, ticks can be used to indicate correct answers and crosses can be used to indicate wrong answers. There is no direct relationship between ticks and marks. Ticks have no defined meaning for levels of response marking.
- For levels of response marking, the level awarded should be annotated on the script.
- Other annotations will be used by examiners as agreed during standardisation, and the meaning will be understood by all examiners who marked that paper.

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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 Theft Act 1968 will apply to both Andreas and Carlos 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 both Andreas and Carlos have committed an offence **and/or** • Reference to s12 Theft Act 1968 with little or no development **Band 4 [6–7 marks]** Some development of s12 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: both Andreas and Carlos have committed an offence. Andreas has committed an offence under s12(1) as he took his boss's motorbike without permission and a motorbike is a conveyance under s12(7)(a). He may make an argument based on s12(6) but it is unlikely this will be believed. Carlos has also committed an offence under s12(1) as he rode on the motorbike with Andreas.	**10**

Question	Answer	Marks
1(b)	**Explain how the Theft Act 1968 will apply to both Natalie and Roberta 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 Roberta has not committed an offence but Natalie has **and/or** • Reference to s12 and/or s12A with little or no development. **Band 4 [6–7 marks]** Some development of any of s12 and/or s12A and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Roberta has not committed an offence as under s12A(3)(b) she can prove she was in another country. Natalie has committed an offence under s12(1) as she has taken a conveyance and a car is classed as such under s12(7). She commits an offence under s12A(1)(a) and (b) as she stole the car and caused damage. This is dealt with under s12A(2)(a) as she was driving on the wrong side of the road, (2)(c) as there is damage to the house and (2)(d) as there is damage to the car. Natalie also meets s12A(7)(a) and (b) as she is driving dangerously. Candidates can access Band 5 without s12(1) if they have cited and applied s12A; alternatively they can access Band 5 without each of the categories of s12A(2); alternatively they can access Band 5 without s12A(7)(a) and (b).	**10**

Question	Answer	Marks
1(c)	**Explain how the Theft Act 1968 will apply to both Bob and Tom 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 both Bob and Tom have committed offences **and/or** • Reference to s12 and s12A Theft Act 1968 with little or no development **Band 4 [6–7 marks]** Some development of any of s12 and/or s12A and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Tom commits an offence under s12(5) as he does not have permission to take the pedal cycle. Bob commits an offence under s12(1)(a) and (b) as he stole the car and caused damage. He also commits an offence under s12A as he took the car under (1)(a), injury was caused under (1)(b) and he was driving dangerously under s12A(7)(a) and (b). He is covered by s12A(2)(a) as he was driving on a road and by (2)(b) as injury was caused.	**10**
1(d)	**Describe the factors considered when hearing an application for bail and the conditions which may be imposed. Assess the effectiveness of these factors and conditions in the bail process.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Describes the factors and conditions in bail and/or assessing their effectiveness in the bail process in very general terms. **Band 3 [7–13 marks]** Some more detailed references to the factors and conditions in bail, perhaps with a factual approach, and/or some assessment of the effectiveness of the impact they have on the bail process in terms of determining whether a person is suitable to be granted bail and how to make sure that they return for their trial. **Band 4/5 [14–20 marks]** Very good detail of both the factors and conditions in bail and good assessment of their effectiveness, which could include addressing wider issues of policy such as the need to facilitate the criminal justice process balanced against the need to protect the rights of a person who is innocent until proved guilty. 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 Road Vehicles Lighting Regulations 1989 will apply to Khalid.** **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 Khalid has breached several of the Regulations **and/or** • Reference to Regulations 11 and/or 13 and/or 24 of the Road Vehicles Lighting Regulations 1989 with little or no development. **Band 4 [6–7 marks]** Some development of Regulations 11 and/or 13 and/or 24 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Khalid has breached several of the Regulations. He has breached 11(1)(a) as he has fitted red lights to the front of his car. He has also breached 11(2)(a) as he has an amber light on the back of his car. This breaches Regulation 13 as it flashes. Khalid also breaches Regulation 24(1)(b) as his rear registration plate light is broken when he is stopped by the police.	**10**

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Question	Answer	Marks
2(b)	**Explain how the Road Vehicles Lighting Regulations 1989 will apply to Francesca.** **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 Francesca has breached several of the Regulations **and/or** • Reference to Regulations 11 and/or 13 and/or 24 of the Road Vehicles Lighting Regulations 1989 with little or no development. **Band 4 [6–7 marks]** Some development of any of Regulations 11 and/or 13 and/or 24 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Francesca has breached several Regulations. She breaches 11(1)(a) as the light on the front of the bus can only be used on fire control vehicles. She does meet 11(2)(g) as she is permitted to have a route indicator light at the rear of the bus. Francesca breaches 13(1) as the red light flashes. She also breaches 24(1)(a)(ii) as she is driving on a road during the day when visibility is severely reduced and one of the rear lights cannot be seen.	**10**

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Question	Answer	Marks
2(c)	**Explain how the Road Vehicles Lighting Regulations 1989 will apply to PC Smith.** **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 PC Smith complies with all of the Regulations **and/or** • Reference to Regulations 13 and/or 15 and/or 16 and/or 24 of the Road Vehicles Lighting Regulations 1989 with little or no development. **Band 4 [6–7 marks]** Some development of Regulations 13 and/or 16 and/or 24 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: PC Smith has complied with all of the Regulations. She meets 13(2)(b) as the headlamps are allowed to flash on an emergency vehicle and she meets 13(2)(d) as the flashing front and rear signs are on a police car. PC Smith also complies with 11(2)(k) for the front and rear flashing signs which say 'Police'. Under 16(a) it is permissible to have a blue warning beacon on the roof of the car. Lastly, PC Smith complies with 24(1)(a)(i) as all her lights are properly lit when the car is stopped by the other police officers.	**10**
2(d)	**Describe the types of delegated legislation, using examples of each type in your answer. Assess the effectiveness of these types of law making.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Describes the types of delegated legislation, with or without any reference to examples and/or assessment of their effectiveness in very general terms. **Band 3 [7–13 marks]** Some more detailed references to the types of delegated legislation, perhaps with a factual approach and some use of examples although not necessarily for each type and/or some general assessment of the effectiveness of these types of law making. **Band 4/5 [14–20 marks]** Very good detail on all types of delegated legislation, accompanied by wide ranging use of relevant examples and good assessment of the effectiveness of these types of law making.	**20**

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