Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/22**

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.

Cambridge International is publishing the mark schemes for the May/June 2021 series for most Cambridge IGCSE™, Cambridge International A and AS Level components and some Cambridge O Level components.

© UCLES 2021

[Turn over

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.

© UCLES 2021

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.

© UCLES 2021

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.

© UCLES 2021

Question	Answer	Marks
1(a)	**Explain how the Laser Misuse (Vehicles) Act 2018 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 Archie has committed an offence **and/or** • Reference to s1 and/or s3 Laser Misuse (Vehicles) Act 2018 with little or no development **Band 4 [6–7 marks]** Some development of s1 and/or s3 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Archie will be guilty of an offence. He breaches s1(1)(a) as he directs the laser at a moving vehicle and he meets s1(1)(b) as the driver crashes because they cannot see. His defence of a reasonable excuse under s1(2) is unlikely to be successful as under (3) there is no mention of him having a camera when he is arrested so his story is unlikely to be believed. Under s3 a car will be classed as a vehicle as it travels on land. If convicted he will be covered by s1(4). The offence occurs once the Act has come into force under s4(3).	**10**

Question	Answer	Marks
1(b)	**Explain how the Laser Misuse (Vehicles) Act 2018 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 s2 and/or s4 Laser Misuse (Vehicles) Act 2018 with little or no development. **Band 4 [6–7 marks]** Some development of s2 and/or s4 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Gina will be guilty of an offence. She meets s2(1)(a)(i) as she points a beam at the control tower, a building which would be covered by s2(6) as it is a facility at the airfield. She is covered by s2(1)(b) as the beam would be likely to distract and this was Gina's intention. It seems unlikely that she would have a valid defence under s2(2). Under s4(3) Gina can be charged as the Act has been live for two months and it applies in Wales so her sentence will be covered by s2(4)(a). Gina may raise a defence under s2(2) based on being an animal rights campaigner; this is unlikely to succeed but an alternative argument can be rewarded if logically and reasonably made.	**10**

© UCLES 2021

Question	Answer	Marks
1(c)	**Explain how the Laser Misuse (Vehicles) Act 2018 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 Imran has not committed an offence **and/or** • Reference to s1 and/or s3 and/or s4 Laser Misuse (Vehicles) Act 2018 with little or no development **Band 4 [6–7 marks]** Some development of s1 and/or s3 and/or s4 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Imran will not be guilty of an offence. He can be charged under s4(3) as the potential offence occurs more than two months after the Act is passed. He is covered by s1(1)(a) as he did shine a laser beam at a moving bus and by s1(1)(b) as it dazzled Belinda, causing her to crash. However, he has a defence under s1(2)(b)(i) as he did not intend to dazzle Belinda. In addition under s1(1)(b)(ii) he had put up a warning sign for drivers. His defence will be valid under s1(2)(a) as there is evidence of the warning sign being on the road and under (b) it would be very hard to prove his sneeze was anything other than involuntary. Under s3 a bus is a vehicle used for travel by land.	**10**

© UCLES 2021

Question	Answer	Marks
1(d)	**Describe how lay magistrates are selected and trained. Assess the extent to which the selection and training of lay magistrates has improved their ability to do their job.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Describes the selection and training process and/or evaluates its effectiveness in very general terms. **Band 3 [7–13 marks]** Some more detailed description of the selection and/or training processes for lay magistrates, perhaps with a factual approach such as the selection criteria and the interview process or the training programme required, and/or some assessment of the effectiveness or one or both of these processes, perhaps in terms of creating a more diverse and balanced lay magistracy which is well trained and so more able to deal with the cases before them. **Band 4/5 [14–20 marks]** Very good description of both the selection and training process, with a good level of detail on both aspects, and good assessment of the effectiveness of these processes, which may include wider policy issues. 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**

© UCLES 2021

Question	Answer	Marks
2(a)	**Explain how the Wills Act 1837 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 Richard's will is valid **and/or** • Reference to s7 and/or s9 and/or s14 Wills Act 1837 with little or no development **Band 4 [6–7 marks]** Some development of s7 and/or s9 and/or s14 Wills Act 1837 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Richard's will is valid. He meets s7 as he is over 18. He also meets s9(a) as the will is written and signed by Ben at Richard's direction and under (b) he wants to be sure the charity is entitled to his estate. Under (c) Richard has acknowledged the will when Andrew and Fred are present and under (d)(i) they have both attested and signed the will. Under s14 Fred's inability to recall being a witness does not make the will void.	**10**
2(b)	**Explain how the Wills Act 1837 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 Julia's will is valid and the bequest can be made to Paul's children **and/or** • Reference to s7 and/or s9 and/or s17 and/or s33 Wills Act 1837 with little or no development. **Band 4 [6–7 marks]** Some development of s7 and/or s9 and/or s17 and/or s33 Wills Act 1837 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Julia's will is valid and the bequest can be paid to Paul's children. Under s7 the will is valid as Julia is over 18 and she meets the requirements of s9 as she has written and signed her will in the presence of four witnesses. Under s17 Adam can be both a witness and an executor so the will remains valid. Under s33(1)(a) a nephew would be classed as a remoter descendant and under (b) Paul has died but under (c) he has living children. As there is nothing in the will to suggest they should not receive the bequest the payment to them is valid.	**10**

© UCLES 2021

Question	Answer	Marks
2(c)	**Explain how the Wills Act 1837 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 Ralph's new will is valid **and/or** • Reference to s7 and/or s9 and/or s18 and/or s20 Wills Act 1837 with little or no development **Band 4 [6–7 marks]** Some development of s7 and/or s9 and/or s18 and/or s20 Wills Act 1837 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Ralph's new will is valid. Ralph's will the day before his marriage is valid as it meets s7 and s9. It would appear that the will would be valid under s18 as Ralph wants his brother to benefit but that his wife should get all the rest of his estate. Under s20 it would appear that the will discovered after Ralph's death is valid as it has been written, signed and validly witnessed a week before his death. Candidates can achieve maximum marks through the use of s7, s9 and s20 if the law is accurately and thoroughly applied to a logical conclusion.	**10**
2(d)	**Describe the remedies available in Equity and assess the extent to which they lead to fairness in the law.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Describes the equitable remedies and/or assesses the extent to which they lead to fairness in the law in very general terms. **Band 3 [7–13 marks]** Some more detailed references to a range of equitable remedies, perhaps focused on the factual aspects and using cases or examples as illustrations, and/or some general assessment of the extent to which these remedies lead to fairness, perhaps considering areas such as the range of situations covered by equitable remedies and the way in which Equity has developed new remedies as needed. **Band 4/5 [14–20 marks]** Very good description of the range of traditional and modern equitable remedies with a good range of examples as illustrations, and good assessment of the extent to which these remedies provide fairness; this may, but need not, include a comparison with the normal civil remedy of damages and the policy considered in the application of equitable remedies.	**20**

© UCLES 2021