Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/23**

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

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 Sentencing Council Guidelines 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 – Calvin will be sentenced for a category A offence and will be high on the sentencing scale **and/or** • Reference to the Sentencing Council Guidelines 2018 with little or no development **Band 4 [6–7 marks]** Some development of the Sentencing Council Guidelines 2018 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Calvin will be sentenced for a category A offence as pushing Natalie down the stairs posed a serious risk of death or serious harm which should have been obvious to Calvin and he hid her body in the garden. There are aggravating factors as he was on bail at the time, although for a different type of offence, and he has committed lesser offences against Natalie in the last three years suggesting a history of violence against her as well as the fact that he concealed what he had done. He is likely to be high on the sentencing scale and there is nothing to suggest that his sentence should be suspended.	**10**

© UCLES 2021

Question	Answer	Marks
1(b)	**Explain how the Sentencing Council Guidelines 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 Yasmin has committed a category C offence and will be low on the sentencing scale **and/or** • Reference to the Sentencing Council Guidelines 2018 with little or no development. **Band 4 [6–7 marks]** Some development of the Sentencing Council Guidelines 2018 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Yasmin is likely to be sentenced for a category C offence as there was an intention to cause harm when she kicked Pavel hard and she was escaping from a less serious offence. However, there are strong mitigating factors as Yasmin has no previous convictions and is the sole carer for her child. She shows remorse and so there would seem to be a good chance that her sentence could be low on the sentencing scale and suspended.	**10**

Question	Answer	Marks
1(c)	**Explain how the Sentencing Council Guidelines 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 David has committed a category B offence and will be high on the sentencing scale **and/or** • Reference to the Sentencing Council Guidelines 2018 with little or no development **Band 4 [6–7 marks]** Some development of the Sentencing Council Guidelines 2018 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: David is likely to be sentenced for a category B offence as he is in the course of escaping from a serious offence. There are aggravating factors as he has previous convictions for violence and possession of a weapon, PC Smith was performing a public service at the time he died, David had attacked a vulnerable man who was old, he used a weapon and he committed the offence whilst on licence. It would not be appropriate to suspend his sentence as he is a danger to the public. He is likely to be high on the sentencing scale as he has killed a police officer who was doing his duty.	**10**

© UCLES 2021

Question	Answer	Marks
1(d)	**Describe the aims of sentencing used for adult offenders and assess the effectiveness of these aims.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Describes the aims of sentencing used for adult offender and/or assesses their effectiveness in very general terms. **Band 3 [7–13 marks]** Some more detailed description of some or all of the aims of sentencing used for adult offenders, perhaps with a factual approach focused on naming the aims and giving some examples of how they work by illustration using sentences and/or some assessment of their effectiveness in reducing re-offending by linking to statistics. **Band 4/5 [14–20 marks]** Very good discussion of all the aims of sentencing used for adult offenders with a wide range of relevant examples and good assessment as to their effectiveness, perhaps looking at wider issues such as policy and constraints on the prison system. 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 Treasure Act 1996 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 all the correct procedures have been followed by Richard and his find will be classed as treasure **and/or** • Reference to s1 and/or s3 and/or s4 and/or s8 Treasure Act 1996 with little or no development. **Band 4 [6–7 marks]** Some development of any of s1 and/or s3 and/or s4 and/or s8 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: all the correct procedures have been followed and Richard's find will be classed as treasure. The finding of 20 coins together which are over 300 years old is covered by s1(a)(iii). His find appears to meet the definition of coin provided in s3(2) and is likely to meet s3(3) as they appear to be gold. Under s4(1)(a) the treasure will belong to Richard as he is the landowner. Richard also meets the procedural requirements as he notifies his local coroner under s8(1) and he meets (2) as he does so the day after he finds the coins. As the coins 'appear' to be gold it is possible to obtain maximum marks without a consideration of s3(3).	**10**

Question	Answer	Marks
2(b)	**Explain how the Treasure Act 1996 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 Sonia is entitled to a reward but that the sum paid may be inadequate **and/or** • Reference to s1 and/or s2 and/or s4 and/or s10 Treasure Act 1996 with little or no development. **Band 4 [6–7 marks]** Some development of any of s1 and/or s2 and/or s4 and/or s10 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Sonia is entitled to a reward but the sum paid may be too low. What she has discovered is covered by s2(1) and thus it is treasure under s1(1)(b). The treasure is covered by s4(1)(b) as the beach on which it is found belongs to the Crown. Sonia is entitled to a reward under s10(1)(a) as the treasure is vested in the Crown as the landowner and under (b) as it is to go to the National Museum of Wales. The reward paid to Sonia as finder does meet the criteria for s10(4) and for most of s10(3) although it could be argued under (b) that the amount of the reward is not in line with the market value of the boat which is a consideration under s10(3)(a).	**10**

© UCLES 2021

Question	Answer	Marks
2(c)	**Explain how the Treasure Act 1996 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 all the correct procedures have been followed and that the reward Arthur receives is fair. **and/or** • Reference to s1 and/or s3 and/or s4 and/or s8 and/or s9 and/or s10 Treasure Act 1996 with little or no development. **Band 4 [6–7 marks]** Some development of any of s1 and/or s3 and/or s4 and/or s8 and/or s9 and/or s10 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: all the correct procedures have been followed and the reward Arthur receives is fair. The sword meets s1(1)(a) as it is clearly over 300 years old. It also meets s3(3) as silver is a precious metal. Under s4(1)(b) the treasure will vest in the Crown as the landowner is unknown. Arthur is within the time limit for notifying the coroner under s8(1) and (2)(a). The correct procedures are followed at the inquest under s9(2)(a) and the amount of reward paid to Arthur meets s10(4) as it does not exceed the sword's market value.	**10**

© UCLES 2021

Question	Answer	Marks
2(d)	**'The literal, golden and mischief rules of statutory interpretation are not the whole story.'** **Describe the methods by which judges interpret statutes, other than the application of these three rules. Assess the effectiveness of these methods in ensuring fairness.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Describes the other methods judges can use and/or evaluates their effectiveness in very general terms. **Band 3 [7–13 marks]** Some more detailed description of the other methods used by judges, perhaps with a factual approach and some case examples, and/or some assessment of their effectiveness, perhaps including the flexibility they allow judges in interpretation and lead to fairness. **Band 4/5 [14–20 marks]** Very good description of both the methods judges can use, for example internal and external aids as well as rules of language and presumptions, and good assessment of their effectiveness, which may include wider policy issues such as the extent of a judge's role in interpretation and the problems this has caused for fairness. 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. Reference to the purposive approach can be credited but not in the context of the three rules.	**20**

© UCLES 2021