Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/21**

Paper 2 **May/June 2022**

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 2022 series for most Cambridge IGCSE, Cambridge International A and AS Level and Cambridge Pre-U components, and some Cambridge O Level components.

This document consists of **11** printed pages.

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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 Legal Services Act 1974 will apply to Angela 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 Angela will be entitled to a practicing certificate and she will be able to take up her job **and/or** • Reference to s9 and/or s11 Legal Services Act 1974 with little or no development **Band 4 [6–7 marks]** Some development of any of s9 and/or s11 and some application **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Angela will be granted a practicing certificate and will be able to take up her job. She is entitled to apply under s9(1) and she has met s9(3)(a) as she has complied with the regulations and under (b) she has included the appropriate fee. Under s9(4) the fee of £75 is appropriate as Angela has checked the Law Society website to meet s11(1) and under (2) it is permissible for the Society to vary their fees by the category of applicant. Candidates can be credited for a reference to s10(1) but this is not required for full marks.	**10**

Question	Answer	Marks
1(b)	**Explain how the Legal Services Act 1974 will apply to Khalid 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 ruling by the Law Society and the High Court is valid and Khalid will fail in his application to be granted a practising certificate **and/or** • Reference to s10 and/or s13 Legal Services Act 1974 with little or no development. **Band 4 [6–7 marks]** Some development of any of s10 and/or s13 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Khalid will fail in his appeal against the Law Society's decision to grant him a practising certificate. He does not meet s10(1)(a) as he is currently suspended when he makes his application and the Law Society can rely on s10(3)(a) when they refuse to grant a certificate. Khalid has appealed to the correct court against the refusal to grant a practising certificate under s13(1)(a) but under s13(4)(1)(a) the court can uphold the decision of the Law Society and/or under (d) direct them not to issue a certificate to Khalid.	**10**

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Question	Answer	Marks
1(c)	**Explain how the Legal Services Act 1974 will apply to Melody 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 granting by the Law Society of a practising certificate with conditions is lawful **and/or** • Reference to s9 and/or s10 Legal Services Act 1974 with little or no development **Band 4 [6–7 marks]** Some development of any of s9 and/or s10 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Melody can be granted a practising certificate as she meets the Law Society's requirements but the conditions they impose are valid. Melody can make an application under s9(1) as she has been on the roll for five years and she meets (2) as she applies for sole solicitor endorsement. When the Law Society checks Melody's application they find she is not suspended under s10(1)(a) but that she has prescribed requirements imposed on her under (b). When the Law Society issue the certificate they meet s10(2) as they place conditions on her, which is permitted under (3)(b), and under (4) these will help her work efficiently as a sole practitioner.	**10**

Question	Answer	Marks
1(d)	**Describe the education and training needed to become a solicitor. Assess the extent to which the role of a solicitor overlaps with that of a barrister.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Describes the education and training for solicitors and/or assessing the overlap between their role and that of barristers in very general terms. **Band 3 [7–13 marks]** Some more detailed references to the education and training for solicitors, perhaps with a factual approach such as a focus on the degree route, the GDL and professional training requirements, both theoretical and practical and/or some assessment of the overlap between the roles of barristers and solicitors such as rights of audience and direct access. **Band 4/5 [14–20 marks]** Very good description of the education and training for solicitors with detail on all stages and very good discussion of the overlap between the two professions and the implications this has for the provision of legal services for clients. 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 Freedom of Information Act 2000 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 Roger is entitled to the information and that the FOI has been answered in full **and/or** • Reference to s1 and/or s3 and/or s8 and/or s10 and/or Schedule 1 53 Freedom of Information Act 2000 with little or no development **Band 4 [6–7 marks]** Some development of any of s1 and/or s3 and/or s8 and/or s10 and/or Schedule 1 53 and some application **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Roger is making a valid FOI request and the university has followed the law correctly. Roger's request is met under s1(1)(a) as they respond in writing and with the information he requests which meets (b). A university is a public authority under s3(1) as a university is named in 53(1)(b) of Schedule 1. His application meets s8(1)(b) as it states his name and an email address and (c) as it describes the information requested; it also meets s8(2) as an FOI by email is acceptable as it is seen as writing under s8(1)(a) and the university replies within the time limit set by s10(1).	**10**

Question	Answer	Marks
2(b)	**Explain how the Freedom of Information Act 2000 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 although Elyana's request is validly made the council can refuse the request as it has already been answered recently. **and/or** • Reference to s1 and/or s3 and/or s8 and/or s10 and/or s14 and/or Schedule 1 7(b) Freedom of Information Act 2000 with little or no development. **Band 4 [6–7 marks]** Some development of any of s1 and/or s3 and/or s8 and/or s10 and/or s14 and/or Schedule 1 7(b) and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Elyana has made a valid request but the council is entitled to refuse to answer it as they have already supplied identical information in the last month. Under s3 a community council in Wales is a public authority as listed in 7(b) of Schedule 1. Elyana meets s8(1)(b) as her request contains her name and address, it meets (a) as it is in writing, and it meets (c) as it contains details of what she wants. The request is not received on a working day under s10(6) but the council respond withing the time limit in s10(1). The community council can refuse Elyana's repeated request under s14(2) using the framework in s17.	**10**

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Question	Answer	Marks
2(c)	**Explain how the Freedom of Information Act 2000 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 decision not to answer Richard's request is valid **and/or** • Reference to s1 and/or s3 and/or s10 and/or s17 and/or Schedule 1 1 Freedom of information Act 2000 with little or no development **Band 4 [6–7 marks]** Some development of any of s1 and/or s3 and/or s10 and/or s17 and/or Schedule 1 1 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Although the MOD do hold the information Richard wants under s1(a) they do not meet (b) as they do not pass it on. The MOD meets s3 as this is a public authority under Part 1 of Schedule 1. The procedure under s10(1) has been followed correctly as Richard receives a response on the twentieth working day. The MOD is entitled to refuse Richard's request using s17 and based on s24.	**10**
2(d)	**Describe the role of the European Court of Human Rights. Assess the impact the Court has had on English law.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Describes the role of the ECtHR, with or without any reference to examples and/or assessment of its impact in very general terms. **Band 3 [7–13 marks]** Some more detailed references to the role of the ECtHR, perhaps with a factual approach such as the ways in which cases can be brought by both states and individuals and how cases are decided with some use of examples and/or some general assessment of the impact on English law in relation to policy, Convention rights or the Human Rights Act 1998. **Band 4/5 [14–20 marks]** Very good detail on all aspects of the role of the Court accompanied by wide ranging use of relevant examples and good assessment of its impact in English law across a range of issues.	**20**

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