Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/22**

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 **12** 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 Practice Direction 52C 2017 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 Donald has completed all the correct steps for his application to be heard **and/or** • Reference to 3 Practice Direction 52C 2017 with little or no development **Band 4 [6–7 marks]** Some development of 3 Practice Direction 52C 2017 and some application **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Donald has done all he should in pursuit of his client's application. He has met 3(1) as he has completed the correct form and he has included the appropriate fee. It would also appear that he has sent the form to the address detailed in 3(2). He has complied with 3(3) as he has filed the appellant's notice and supplied three copies of the notice as well as meeting 3(3)(a) as he has included the sealed order from the High Court, 3(3)(g) as he has included a skeleton argument and 3(3)(h) as he has included the judgment's approved transcript. He has also met 3(4) as he has included the notice to be returned to him to serve on the respondent.	**10**

Question	Answer	Marks
1(b)	**Explain how Practice Direction 52C 2017 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 most but not all of the procedural steps have been followed correctly and so Miranda's application for an appeal may not succeed **and/or** • Reference to 3 and/or 5 and/or7 Practice Direction 52C 2017 with little or no development. **Band 4 [6–7 marks]** Some development of 3 and/or 5 and/or7 Practice Direction 52C 2017 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: the application for an appeal Glenda makes on behalf of Miranda may not succeed. Glenda has followed 3 as she has filed her appeal successfully. She meets 5(1)(b) as she has set out why the lower court's decision is unjust and she meets (2) as this is in her skeleton argument. She meets 7.1 as she serves most of the paperwork on Calvin 'personally'. She meets 7.1A as she serves the appellant's notice and the skeleton argument at the same time. However, the application may fail under 7.2 as the evidence is only served three days later, when it should have been served at the same time as the rest of the paperwork, and he is not there in person.	**10**

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Question	Answer	Marks
1(c)	**Explain how Practice Direction 52C 2017 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 not all the necessary steps have been followed and so Jessica's application will fail at the hearing **and/or** • Reference to 8 and/or 15 and/or 16 Practice Direction 52C 2017 with little or no development **Band 4 [6–7 marks]** Some development of 8 and/or 15 and/or 16 Practice Direction 52C 2017 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Jessica's appeal may fail at the hearing as she has not followed all the correct steps. Mustapha meets 8(1) when he files an appeal notice and 8(3) when he contests the court's decision. The judge meets 15(1) by deciding that an oral hearing will take place and 15(2) as it is within the 14 day time limit. The direction for Mustapha to appear is permitted under 16(1) but there is a problem under 16(2) as Jessica introduces new documents and this means the application will fail.	**10**

Question	Answer	Marks
1(d)	**Describe binding, persuasive and original precedent, using cases to illustrate your answer. Assess the effectiveness of the Court of Appeal in developing precedent.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Describes at least one of the different types of precedent in general terms and/or evaluates the effectiveness of the Court of Appeal in very general terms. **Band 3 [7–13 marks]** Some more detailed description of the different types of precedent, perhaps with limited case illustration and not all types covered, and/or some more detailed assessment of the effectiveness of one division of the Court of Appeal or more general assessment of both divisions but there may be no or only a passing reference to its relationship with the Supreme Court. **Band 4/5 [14–20 marks]** Very good description of all the different types of precedent and full and clear illustration using cases for each type and good assessment of the effectiveness of both divisions of the Court of Appeal and in the context of its relationship with the Supreme Court. 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 Wild Animals in Circuses Act 2019 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 Guido has committed an offence **and/or** • Reference to s1 Wild Animals in Circuses Act 2019 and/or s1(1) Animal Welfare Act 1996 with little or no development **Band 4 [6–7 marks]** Some development of s1 Wild Animals in Circuses Act 2019 and s1(1) Animal Welfare Act 1996 and some application **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Guido has committed an offence and will be liable for a fine. He meets s1(1) as he uses tigers in a circus which travels around England and s1(2) as the tigers are exhibited in the circus. This means he commits an offence under s1(3). Guido meets s1(5) as a tiger is a vertebrate but not a man as under s1(1) Animal Welfare Act 1996 and under (c) they are not commonly domesticated in England. He also meets s1(5)(a) as he owns the circus.	**10**

Question	Answer	Marks
2(b)	**Explain how the Wild Animals in Circuses Act 2019 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 – Shona has acted fully within her powers under the Act and Casper has committed an offence. **and/or** • Reference to s1 and/or s2 (Schedule) Wild Animals in Circuses Act 2019 with little or no development. **Band 4 [6–7 marks]** Some development of s1 and s2 (Schedule) Wild Animals in Circuses Act 2019 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Shona has acted within her powers and so a prosecution of Casper under the Act is likely to succeed. Under s2(2)(a) Shona is acting within her powers as using lions in the circus would be an offence under s1(1), under s1(2)(a) as they are performing in a circus and under s1(5)(a) as Casper owns the circus. As an inspector she has a right of entry under 2(2)(b) as she has evidence of the commission of an offence due to the photograph she has been sent. She also meets s4(1)(a) as she shows Casper her badge when she meets him and (b) as she has evidence of why she is at the circus. Shona meets s5 as visiting at 09.00 is a reasonable hour. She meets s6(c) as a video camera is equipment provided as part of her job and making a video recording is permitted under s7(g). Candidates can be rewarded for conclusions relating to Shona and/or Casper.	**10**

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Question	Answer	Marks
2(c)	**Explain how the Wild Animals in Circuses Act 2019 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 Klaus may not have exercised his powers under the Act correctly **and/or** • Reference to s1 and/or s2 (Schedule) Wild Animals in Circuses Act 2019 with little or no development **Band 4 [6–7 marks]** Some development of s1 and/or s2 (Schedule) Wild Animals in Circuses Act 2019 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Klaus may not have exercised his powers correctly and so a prosecution under the Act might fail. Under s2 2(a) Klaus is acting within his powers he has been told about the use of monkeys in a performance which breaches s1(1) and s1(2), leading to an offence by Artem under s1(3) as he is the operator of the circus and so within s1(5)(b). There may be a problem under s2 4(1)(a) as although Klaus tells Artem he is breaking the law he does not show his identity badge; however, under s2 4(1) Artem has not asked Klaus for any information. Going to the circus at 23.00 may still meet s2 5 as he knows the circus is getting ready to leave. Klaus pushing Artem over would probably be classed as reasonable force (although candidates can argue this in the alternative as long as they provide evidence for their reasoning) under s2 6(a) and marking the monkeys with a pen is permitted under s2 7(f).	**10**

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Question	Answer	Marks
2(d)	**Describe the different types of Bills used in the making of legislation. Evaluate the criticisms which are often made of the legislative process.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Describes the different types of Bills and/or evaluates the criticisms of the legislative process in very general terms. **Band 3 [7–13 marks]** Some more detailed references to a range of types of Bill, perhaps with some examples and/or some general evaluation of the criticisms or more focused evaluation on one criticism. **Band 4/5 [14–20 marks]** Very good detail on the full range of Bills with a good range of examples as illustrations, and good evaluation of a range of criticisms such as language, lack of accessibility, cases resulting from poor drafting and difficulty in finding the correct law on a topic at any one time. 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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