Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/23**

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 **9** 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 Police 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 – both Henri and Guy have committed offences **and/or** • Reference to s89 Police Act 1996 with little or no development **Band 4 [6–7 marks]** Some development of s89 Police Act 1996 and some application **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: both Henri and Guy have committed offences. Henri commits an offence under s89(1) when he punches PC Brown as he is doing his job lawfully when he enters the house. Guy commits an offence under (2) as he tries to run away and the person who catches him meets (4)(a) as he is part of an international team led by PC Brown and he is doing his job under (b).	**10**
1(b)	**Explain how the Police 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 Mark has committed more than one offence **and/or** • Reference to s90 and/or s91 Police Act 1996 with little or no development. **Band 4 [6–7 marks]** Some development of s90 and/or s91 Police Act 1996 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: Mark has committed more than one offence. He commits an offence under s90(1) as he makes statements to suggest he is a police officer and he intends the people at the club believe him because of his grudge against the police. He also commits an offence under s91(1) because his words lead the officers to go on strike. He meets s91(2) as some of the people are police officers as well as (a) as some are special constables and (c) as some are members of the British Transport Police. Given the seriousness of the result of the strike Mark commits an offence under s91(1)(a) or (b).	**10**

Question	Answer	Marks
1(c)	**Explain how the Police 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 both Thomas and Jack have committed offences **and/or** • Reference to s90 Police Act 1996 with little or no development **Band 4 [6–7 marks]** Some development of s90 Police Act 1996 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: both Thomas and Jack have committed offences. Thomas does not commit an offence under s90(2) as dressing is up is just for a party and there is no intention to deceive. However, he commits an offence under s90(3) as he has kept items of police uniform; although he might have come by them lawfully he does not have them for a lawful purpose as he knows they should have been handed back. The wearing of the police hat is covered by (4)(a) as an article of uniform. Jack also commits an offence under (3). In addition he commits an offence under (2) as he knows plain clothes officers are due to be at the concert and thus he has calculated to deceive so as to get into the concert for free. His father's identification badge would be covered by (4)(a).	**10**
1(d)	**Describe the powers of the police to stop and search. Assess the extent to which these powers are effective in helping the police do their job.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Describes the powers of the police of stop and search and/or assesses their effectiveness in very general terms. **Band 3 [7–13 marks]** Some more detailed description of some powers of the police of stop and search, perhaps with a focus on PACE 1984, and/or some assessment of the effectiveness of these powers in helping the police to do their job. **Band 4/5 [14–20 marks]** Very good discussion of a wide range of police powers in relation to stop and search, using statutes and Codes of Practice alongside relevant case examples and good assessment as to their effectiveness, perhaps looking at wider issues such as policy and the way in which these powers are used amongst certain communities and categories of offender. 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 Law Commissions 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 the Law Commission is properly created **and/or** • Reference to s1 Law Commissions Act 1996 with little or no development. **Band 4 [6–7 marks]** Some development of any of s1 Law Commissions Act 1996 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: the Law Commission has been correctly constituted. The Lord Chancellor makes all the appointments so this meets s1(1), and choosing Lord Smith to be chairman meets (1A). The other appointments meet (2) as there is a judge, legal professionals and an academic. They all meet (3) as the appointment is for less than five years and although David resigns he can be reappointed. Under (4) Lady Jones should not need to sit in the Supreme Court whilst she is a Commissioner.	**10**

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Question	Answer	Marks
2(b)	**Explain how the Law Commissions 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 provisions have been followed **and/or** • Reference to s3B and/or s4 and/or s5 Law Commissions Act 1996 with little or no development. **Band 4 [6–7 marks]** Some development of any of s3B and/or s4 and/or s5 Law Commissions Act 1996 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: all the correct provisions have been followed. The Lord Chancellor follows s5(1) in requesting staff to help the Law Commission but the Treasury is entitled to reduce the numbers. Under s4(1) it is appropriate for all the Commissioners except Lady Jones to be paid, as she will be paid by the Supreme Court. The creation of a protocol is valid under s3B(1) and asking Ministers to provide support is valid under (2)(b) and to take reform proposals seriously under (c). The Lord Chancellor has followed the correct procedure by laying the protocol before Parliament under (4) and it is valid as it has been approved.	**10**

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Question	Answer	Marks
2(c)	**Explain how the Law Commissions Act 1996 and the Law Commission Act 2009 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/or** • Reference to s3 Law Commissions Act 1996 and/or s3 Law Commission Act 2009 with little or no development. **Band 4 [6–7 marks]** Some development of any of s3 Law Commissions Act 1996 and/or s3 Law Commission Act 2009 and some application. **Band 5 [8–10 marks]** Full development of the relevant sections. Conclusion: all the correct procedures have been followed. Under s3(1) Law Commission Act 2009 it is a requirement for the Lord Chancellor to make a report on the work of the Law Commission and it has come into effect when the report is made. This takes place under Law Commissions Act 1996 s3A(1), the report meets (2) as it is laid before Parliament and the date requirement as provided for by (3) is met. The report meets s3A(1)(a) as it also details what has been implemented and (b) by listing what has not been achieved.	**10**
2(d)	**Describe the role of the Law Commission. Assess its effectiveness in reforming the law.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Describes the role of the Law Commission and/or evaluates its effectiveness in very general terms. **Band 3 [7–13 marks]** Some more detailed description of the role of the Law Commission, perhaps by looking at the referral process and repeal, consolidation or codification with some examples and/or some assessment of its effectiveness, perhaps by considering at least of these aspects. **Band 4/5 [14–20 marks]** Very good discussion of the full range of the role of the Law Commission with good examples and good assessment of its effectiveness, which may include successes and problems such as lack of parliamentary access and lack of political will to achieve reform. 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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