CAMBRIDGE
International Education

Cambridge International AS & A Level

LAW **9084/11**

Paper 1 **May/June 2024**

MARK SCHEME

Maximum Mark: 75

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 2024 series for most Cambridge IGCSE, Cambridge International A and AS Level and Cambridge Pre-U components, and some Cambridge O Level components.

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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 descriptions 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 Calculation questions:

- The mark scheme will show the steps in the most likely correct method(s), the mark for each step, the correct answer(s) and the mark for each answer
- If working/explanation is considered essential for full credit, this will be indicated in the question paper and in the mark scheme. In all other instances, the correct answer to a calculation should be given full credit, even if no supporting working is shown.
- Where the candidate uses a valid method which is not covered by the mark scheme, award equivalent marks for reaching equivalent stages.
- Where an answer makes use of a candidate's own incorrect figure from previous working, the 'own figure rule' applies: full marks will be given if a correct and complete method is used. Further guidance will be included in the mark scheme where necessary and any exceptions to this general principle will be noted.

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4 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.

Guidance on using levels-based mark schemes

Marking of work should be positive, rewarding achievement where possible, but clearly differentiating across the whole range of marks, where appropriate.

The marker should look at the work and then make a judgement about which level statement is the best fit. In practice, work does not always match one level statement precisely so a judgement may need to be made between two or more level statements.

Once a best-fit level statement has been identified, use the following guidance to decide on a specific mark:

- If the candidate's work **convincingly** meets the level statement, award the highest mark.
- If the candidate's work **adequately** meets the level statement, award the most appropriate mark in the middle of the range (where middle marks are available).
- If the candidate's work **just** meets the level statement, award the lowest mark.

Assessment objectives

AO1 Knowledge and understanding

- Demonstrate knowledge and understanding of legal concepts, principles and rules.
- Use statutes, cases, examples and legal terminology.

AO2 Analysis and application

- Analyse legal concepts, principles and rules.
- Apply legal concepts, principles and rules.

AO3 Evaluation

- Evaluate legal concepts, principles and rules.
- Communicate legal argument coherently on the basis of evidence.

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Annotations and their Use

Annotation	Use
✓	Used as an indication of relevant and rewardable content in the body of the answer.
X	Indicates where the content is legally incorrect.
?	Indicates where the response is unclear.
NAQ	Used when the answer of parts of the answer are not answering the question asked.
BOD	Used when the benefit of the doubt is given in order to reward a response.
A	Indicates where a relevant Act of Parliament or statutory authority has been used and to indicate where AO2 Analysis and application has been awarded.
C	Indicates where a relevant piece of legal authority has been used to indicate where AO2 Analysis and application has been awarded.
EVAL	Indicates where the answer has demonstrated AO3 Evaluation.
LNK	Indicates that an attempt has been made to link to the question posed.
REP	Indicates where content has been repeated.
SEEN	Indicates that content has been recognised but not rewarded.

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Question	Answer	Marks
1	**Identify the <u>two</u> divisions of the Court of Appeal.** **AO1 Knowledge and understanding** • Civil division. • Criminal division. 1 mark per division accurately identified up to a maximum of 2 marks.	**2**
2	**Identify <u>two</u> types of alternative dispute resolution (ADR).** **AO1 Knowledge and understanding** Any two from: • Negotiation. • Mediation. • Conciliation. • Arbitration. 1 mark per type accurately identified up to a maximum of 2 marks.	**2**
3	**State <u>five</u> sources of persuasive precedent.** **AO1 Knowledge and understanding** • Courts lower in hierarchy. • Decisions of the Judicial Committee of the Privy Council. • Statements made *obiter dicta.* • Statements from dissenting judgments. • Decisions of courts in other countries. 1 mark per type accurately stated up to a maximum of 5 marks.	**5**
4	**Describe <u>three</u> reasons why a judge might excuse or defer a person from serving on a jury.** **AO1 Knowledge and understanding** Any three from: • Being too ill to attend court. • Childcare issues. • Essential work. • Suffering from a disability which makes it impossible for the person to sit as a juror. • External examinations. • Holiday booking. • Judge may excuse, for example, if someone is not picked for a particular case. 1 mark for naming a reason and up to 1 mark for describing the reason x3	**6**

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<table>
<tr><th>Question</th><th>Answer</th><th>Marks</th></tr>
<tr><td>5</td><td>

Assess the need for society to have both civil and criminal law.

Table A
Use this table to give marks for each candidate response.

<table>
<tr><th>Level</th><th>AO2 Analysis and application 6 marks</th><th>AO3 Evaluation 4 marks</th></tr>
<tr><td></td><td>Description</td><td>Description</td></tr>
<tr><td>3</td><td>5–6 marks
• Clearly reasoned analysis.
• Effective use of relevant examples.</td><td>4 marks
• Clearly focused evaluation developed with relevant evidence.</td></tr>
<tr><td>2</td><td>3–4 marks
• Some analysis.
• Some use of relevant examples.</td><td>2–3 marks
• Some evaluation which may be developed with some relevant material.</td></tr>
<tr><td>1</td><td>1–2 marks
• Limited analysis.
• Limited use of relevant examples.</td><td>1 mark
• Limited evaluation with little or relevant evidence.</td></tr>
<tr><td>0</td><td>0 marks
• No creditable content.</td><td>0 marks
• No creditable content.</td></tr>
</table>

Indicative content

Responses may include:
Civil law
- Used to uphold the rights of individuals.
- Action taken by individuals/businesses not the state.
- Wide range of application in business and for individuals.
- Situations where monetary compensation might be appropriate.
- Can also provide practical remedies, i.e. specific performance, injunctions.
- Allows society to create structures i.e. marriage, forming contracts etc.
- Standard of proof on the balance of probabilities.

Criminal Law
- Actions taken on behalf of the state rather than the individual.
- To maintain law and order.
- To protect individuals from harm.
- To remove dangerous/harmful individuals from society.
- To control behaviour.
- May/may not reflect moral beliefs.
- Standard of proof beyond reasonable doubt – higher than civil as potential penalties are higher.

</td><td>10</td></tr>
</table>

Question	Answer	Marks
	AO2	6
	AO3	4

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Section B

Table B

Use this table to give marks for each candidate response for **Questions 6(a)**, **7(a)** and **8(a)**.

Level	AO1 Knowledge and understanding	
	Description	**Marks**
4	• Accurate and detailed in most relevant areas. • Thorough knowledge and understanding of the most appropriate legal concepts, principles and rules, key examples, cases and/or statutory authority, and legal terminology.	**9–10**
3	• Mostly accurate but may not be detailed in some relevant areas. • Good knowledge and understanding of appropriate legal concepts, principles and rules, examples, cases and/or statutory authority, and legal terminology.	**6–8**
2	• Some accuracy but lacks detail in relevant areas. • Some knowledge and understanding of mostly appropriate legal concepts, principles and rules, examples, cases and/or statutory authority, and legal terminology.	**3–5**
1	• Limited accuracy. • Limited knowledge and understanding of legal concepts, principles and rules, examples, cases and/or statutory authority, and legal terminology.	**1–2**
0	• No creditable content.	**0**

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Table C

Use this table to give marks for each candidate response for **Questions 6(b)**, **7(b)** and **8(b)**.

Level	AO2 Analysis and application 8 marks	AO3 Evaluation 7 marks
	Description	**Description**
3	**6–8 marks** • Mostly focused and reasoned analysis throughout. • The analysis is supported by effective and well-developed use of legal concepts, principles and rules, key examples, cases and/or statutory authority.	**6–7 marks** • Mostly focused and reasoned evaluation of most of the relevant issues. • Effectively supported by relevant material. • Coherent argument.
2	**3–5 marks** • Some reasoned analysis. • The analysis is supported by some partially developed use of legal concepts, principles and rules, examples, cases and/or statutory authority.	**3–5 marks** • Some evaluation, reasoned at times, of some of the relevant issues. • Supported by some relevant material. • Some coherent argument.
1	**1–2 marks** • Limited analysis. • The analysis is supported by limited use or makes no use of legal concepts, principles and rules, examples, cases and/or statutory authority.	**1–2 marks** • Limited evaluation of a relevant issue. • Limited or no use of relevant material. • Limited or no argument.
0	**0 marks** • No creditable content.	**0 marks** • No creditable content.

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Question	Answer	Marks
6(a)	**Explain the literal and mischief rules of statutory interpretation.** Use Table B to mark candidate responses to this question. **AO1 Knowledge and understanding** **Indicative content** Responses may include: **AO1 Knowledge and understanding** Literal: • Developed in 19th century. • Developed because of increase in amount of statutory law. • Judge gives words their plain, ordinary or dictionary definition. *R v Judge of the City of London Court* (1892), *Whitley v Chappell* (1868), *LNER v Berriman* (1946), *Fisher v Bell* (1961). Mischief: • Oldest rule. • Comes from *Heydon's case* (1584). • Court looks at what law was before the act, to discover what 'mischief' it was intended to cover. *Coates v CPS* (2011), *Elliott v Grey* (1960)	**10**

Question	Answer	Marks
6(b)	**Assess the extent to which the rules of statutory interpretation prevent judges from making law.** Use Table C to mark candidate responses to this question. AO2 out of 8 marks. AO3 out of 7 marks. **Indicative content** Responses may include: **AO2 Analysis and application and AO3 Evaluation** Literal: • Not much creativity allowed. • Assumes acts drafted perfectly. • Words can have more than one meaning. • Can lead to unjust decisions. • But does follow the concept of Parliamentary sovereignty. Golden: • Allows a little creativity. • Can give a more just response. • However, only using the wider approach. • Zander – 'a feeble parachute'. Mischief: • A lot of judicial creativity possible. • Judges can use Law Commission reports to discover the 'mischief'. • Can make acts more relevant. • But concerns over judicial law making.	**15**
	AO2	8
	AO3	7

Question	Answer	Marks
7(a)	**Explain how the police should make a lawful arrest without a warrant.** Use Table B to mark candidate responses to this question. **AO1 Knowledge and understanding** **Indicative content** Responses may include: **AO1 Knowledge and understanding** s.24 PACE 1984, as amended by s.110SOCPA 2005 Constable may arrest: • Anyone about to commit an offence. • Anyone in the act of committing an offence. • Constable had reasonable grounds for suspecting is about to commit an offence. • Constable has reasonable grounds for suspecting is committing an offence. • If reasonable grounds for suspecting an offence has been committed may arrest anyone they reasonably suspect of being guilty of it. Reasonable grounds: • To establish name and address. • To prevent physical injury to themselves or any other person. • To prevent loss or damage to property. • To protect a child/vulnerable person. • To allow prompt investigation. • Prevent person disappearing. Must also: • Tell person why they are being arrested. • May use reasonable force. • Caution.	**10**

Question	Answer	Marks
7(b)	**Assess the extent to which the law on arrest without a warrant strikes a fair balance between the powers of the police and the rights of the individual.** Use Table C to mark candidate responses to this question. AO2 out of 8 marks. AO3 out of 7 marks. **Indicative content** Responses may include: **AO2 Analysis and application and AO3 Evaluation** Background: • Previously could only arrest for an arrestable offence – which was more restrictive. • Now more powers, mostly based on reasonable belief. • Reason for reform was that previous powers were 'confusing' (HO consultation paper *Policing: Modernisation of Police Powers to Meet Community Needs*) and the new laws were clearer. Powers of police: • Lord Parker CJ 'A police officer's duty is to take necessary steps to keep the peace, prevent crime and protect people…or their property'. • Police need a range of powers to do this. • Wide range of instances where this can be justified. • Reasonable suspicion is a protection for the individual. • Can prevent misuse of power. Rights of the individual: • Issues with subjectivity of reasonable suspicion. • Depends on the officer's own beliefs, constables cannot be instructed to arrest by a senior officer *Raissi v Commissioner of Met* (2008). • The right to be told why being arrested. • The caution and the right to silence. • Code of Practice G emphasises right to liberty. • Record of arrest required.	**15**
	AO2	8
	AO3	7

Question	Answer	Marks
8(a)	**Explain how lay magistrates are selected.** Use Table B to mark candidate responses to this question. **AO1 Knowledge and understanding** **Indicative content** Responses may include: **AO1 Knowledge and understanding** Selection Process: • Local Advisory Committees. • Advertisements in papers, noticeboards etc. • Matched against occupational/industrial/social groupings. • Application form + 2 referees. • First interview – six key qualities. • Second interview – tests judicial aptitude. • Names submitted to Senior Presiding Judge who appoints.	**10**

Question	Answer	Marks
8(b)	**Assess the extent to which the selection process ensures that the most suitable people become lay magistrates.** Use Table C to mark candidate responses to this question. AO2 out of 8 marks. AO3 out of 7 marks. **Indicative content** Responses may include: **AO2 Analysis and application and AO3 Evaluation** Good process because: • Anyone can apply. • Reasonable percentage from minority groups. • Good gender balance. • Attempts to reflect the community. • Live locally. • Aware of local issues. • More representative than judiciary. • Attitudes assessed in first interview. • Practical abilities assessed in second interview. • Will undergo training. However: • Self-selecting. • Fewer people now applying. • Younger people less likely to apply. • Tend to be middle aged – 84% over 50. • Predominantly in managerial positions so can get time off easily. • May not live in problem areas. • Local knowledge lost due to court closures.	**15**
	AO2	8
	AO3	7

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