CAMBRIDGE
International Education

Cambridge International AS & A Level

LAW **9084/12**

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 <u>two</u> bodies which regulate the conduct of barristers or solicitors.** **AO1 Knowledge and understanding** Any **two** from • The Law Society. • Solicitors Regulation Authority. • Bar Council/General Council of the Bar. • Bar Standards Board. • Legal Ombudsman. 1 mark per body accurately identified up to a maximum of 2 marks.	**2**

Question	Answer	Marks
2	**Identify <u>two</u> cases in which the Supreme Court or the House of Lords used the Practice Statement.** **AO1 Knowledge and understanding** Any two from: • *British Railways Board v Herrington* (1972) (used to overrule Addie v Dumbreck). • *Miliangos v George Frank (Textiles) Ltd* (1976). • *Conway v Rimmer* (1968). • *R v R&G* (2003) (used to overrule R v Caldwell). • *Murphy v Brentwood District Council* (1990). • *Pepper v Hart (1993).* • *R v Shivpuri (1986.)* Credit any other relevant response. 1 mark per case accurately named up to a maximum of 2 marks.	**2**

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Question	Answer	Marks
3	**Identify <u>five</u> conditions which might be imposed on a defendant who is granted bail.** **AO1 Knowledge and understanding** Any five from: • Living at a specific address. • Surrendering a passport. • Reporting at regular intervals at a police station. • Getting someone else to stand surety. • Residence in a bail hostel. • Curfew. • Electronic tag. • Not associating with certain people (inc. witnesses). • Drug testing. Credit any other relevant response. 1 mark per condition accurately stated up to a maximum of 5 marks.	**5**

Question	Answer	Marks
4	**Describe <u>two</u> types of challenge to potential jurors in the Crown Court.** **AO1 Knowledge and understanding** Any two from: • Challenge for cause – e.g. knowing the defendant. • Challenge to the array - whole panel challenged for biased selection – as in *R v Ford (1989)* but no right to a multi racial jury, *Romford* case. • Prosecution right to 'stand by' any juror – *AG's Guidelines 1988.* 1 mark for naming a type and up to 2 marks for describing the type x 2.	**6**

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

Discuss the advantages of using lay magistrates in the criminal justice system.

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:

Magistrates:
- Wider background than judges.
- Good gender balance.
- Local.
- Cheaper.
- Trained.
- Have a legal advisor.
- Few appeals made.

Credit any other relevant response relating to the advantages of magistrates.

</td><td>10</td></tr>
<tr><td></td><td>AO2</td><td>6</td></tr>
<tr><td></td><td>AO3</td><td>4</td></tr>
</table>

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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 what is meant by judicial independence.** Use Table B to mark candidate responses to this question. **AO1 Knowledge and understanding** **Indicative content** Responses may include: **AO1 Knowledge and understanding** • No person can be judge in a case where they have an interest *Pinochet Case, Howell v Lees Millais (2007).* • *Re Medicaments (No2) (2001).* • Independence from the legislature. • Independence from the executive (government) Constitutional Reform Act (2005). • Freedom from pressure – financial independence. • Immunity from suit *Sirros v Moore (1975).* • Independence from political bias. • Judicial review. • Human rights role. • Security of tenure meaning that they are 'safe' to make any decision.	**10**
6(b)	**Assess the extent to which judges are truly independent.** Use Table C to mark candidate responses to this question. **Indicative content** Responses may include: **AO2 Analysis and application and AO3 Evaluation** **Financial independence** • Judicial salaries do not need Parliamentary authorisation. **Political independence** • Use of the JAC removes the likelihood of political interference (compared to when the Lord Chancellor was both the head of the judiciary and also a member of cabinet). • Judges no longer sit in the House of Lords (since creation of Supreme Court in 2009). • Guaranteed in s3 Constitutional Reform Act 2005. • But judges can be 'pro establishment' (Professor Griffiths). • However, examples from judicial review cases shows some even handedness *R v HS ex p Fire Brigades Union* (1995), *R v S of S ex p World Development Movement* (1995), *A and Another v S of S for the Home Department* (2004), *DPP v Hutchinson* (1990), *AG v Guardian Newspapers Ltd* (1987*), R (Miller) v The Prime Minister* (2019).	**15**
	AO2	8
	AO3	7

Question	Answer	Marks
7(a)	**Explain the intrinsic and extrinsic aids used by judges in 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** **Intrinsic Aids:** • Long title. • Preamble. • Headings. • Schedules. • Marginal Notes. • Statements of principles Arbitration Act (1996). • Interpretative sections. **Extrinsic Aids:** • Previous acts on same topics. • Earlier case law. • Historical setting. • Dictionaries of the time. • Hansard *Pepper v Hart* (1993). • Reports of Law reform bodies. • International treaties.	10

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Question	Answer	Marks
7(b)	**Discuss how useful intrinsic and extrinsic aids are in the task of statutory interpretation.** 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** Intrinsic Aids: • Generally, not very helpful in interpretation. • Seldom express Parliament's intention. • Preambles in older acts may be helpful, but uncommon in modern acts. • New approach as shown on Arbitration Act (1996) of detailing principles and including an interpretative section more useful. Extrinsic Aids: • More helpful. • Earlier case law may provide precedents. • Dictionaries of the time useful in literal approach *Laroche v Spirit of Adventure UK Ltd* (2009). • Historical setting useful for mischief and purposive approaches. • Law Commission reports useful for Mischief approaches as they often summarise the current law before reform *Black Clawson* (1975). • Hansard – debate on usefulness Lord Denning in *Davis v Johnson* (1979), Lord Scarman and *Jackson & Others v HM Attorney General* (2005). • Use is limited. • International conventions can be of use *Fothergill v Monarch Airlines* (1980).	**15**
	AO2	8
	AO3	7

Question	Answer	Marks
8(a)	**Explain how civil cases are allocated for trial.** Use Table B to mark candidate responses to this question. **AO1 Knowledge and understanding** **Indicative content** Responses may include: **AO1 Knowledge and understanding** Allocation: • Decision made as to which court used. • When claim issued and defended has to be allocated to a track. • Decision made by District Judge in High Court or a Master in the Hight Court. • Parties are sent an allocation questionnaire. Small Claims Track: • Under £10 000. • In the County Court. • Claimants bring their own case. • Lawyers discouraged. • Inquisitorial. • Can be a paper trial if no witnesses. Fast Track: • County Court. • £10 000 to £25 000. • Personal injury cases over £1000 and up to £25 000. • Housing cases over £1000 and up to £25 000. • DJ decides if case is suitable. • Timetable set. • Aims to be heard within 30 weeks. • Normally heard by Circuit Judge in open court. • Hearing limited to one day. Multi Track: • Claims for more than £25 000. • Can be in County Court. • High Court if claim over £100 000 or complex law. • Circuit judge. • Timetabled and managed. • Can require ADR prior to trial.	**10**

Question	Answer	Marks
8(b)	**Discuss the extent to which the allocation of cases enables the civil courts to deal with them justly and at reasonable cost.** 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** Small Claims: • Cost of issuing claim is low. • Loser does not pay winners costs. • No lawyers to pay. • Quick and simple. • DJ can help parties. BUT • No legal funding available. • If opponent is a business likely to have legal advice. • DJ not always helpful. • Even if won, hard to recover award, only 60% are successful in this. Fast track: • Quicker. • Strict timetable so does not drag on. • Prevents costs running up. • Delays less frequent than before this system. BUT • Formal court setting. • Needs legal representation. • Adversarial system. • May need to pay winners' costs if loser. Multi track: • Similar to Fast track. • Expert judges. • Managed case timetable. • May be able to settle before trial via ADR. BUT • As Fast track. • Need to use ADR may slow down process with little advantage. • Very limited legal aid.	**15**
	AO2	8
	AO3	7

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