Cambridge International AS & A Level

Cambridge Assessment International Education
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/21**

Paper 2 **October/November 2017**

MARK SCHEME

Maximum Mark: 50

Published

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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 Dangerous Dogs Act 1991 will apply to Stefan.** **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 Stefan is likely to be liable. **and/or** • Reference to Dangerous Dogs Act 1991 s3 with little or no development. **Band 4** **[6–7 marks]** Reference to s3(1), (2) and (4) with some development and some application. **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: Stefan may or may not be liable for an offence. Under s3(1) the ripped shorts will not be an aggravated offence. Stefan may have a defence to a charge under s3(1)(a) using s3(2) as he paid Daisy who was running a dog walking business and so he would not be convicted under s3(4). Alternatively Stefan may be liable for an offence under s3(1)(a) as he knew of a problem with Rex and so he would be convicted using s3(4).	**10**
1(b)	**Explain how the Dangerous Dogs Act 1991 will apply to John.** **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 John will be liable. **and/or** • Reference to Dangerous Dogs Act 1991 s1 with little or no development. **Band 4** **[6–7 marks]** Reference to s1(1)(a) and/or s1(2)(b) and/or s1(2)(e) and/or s1(7) with some development and some application. **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: John will be liable under s1(1)(a) if Millie is proved to be a pit bull terrier. He is liable under s1(2)(b) as he is offering Millie for sale. He is also liable under s1(2)(e) as he abandons Millie. He is likely to be convicted under s7 and not to have a defence under s7(b) as he knows his friend breeds pit bull terriers. Credit reference to s1(2)(d) as Millie is left without a muzzle on a housing estate which may be a public place	**10**

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Question	Answer	Marks
1(c)	**Explain how the Dangerous Dogs Act 1991 will apply to Courtney.** **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 Courtney will not be liable **and/or** • Reference to Dangerous Dogs Act 1991 s1 and s3 with little or no development **Band 4** **[6–7 marks]** Reference to s1(1)(a) and/or s1(2)(d) and/or s3 with some development and some application. **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: Courtney will not be liable. There is a breach of s1(1)(a) as the vet has said Lucky is a pit bull terrier. She is not liable under s1(2)(d) as she makes Lucky wear a lead and muzzle. This also means she is not liable under s3(1) as Lucky is not dangerously out of control and so Courtney has not committed an offence under s3(4) even though Mike suffers an injury in a public place.	**10**
1(d)	**Describe the sentences given to adult offenders and critically analyse the aims behind those sentences.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Describes and/or discusses adult sentencing in very general terms. **Band 3** **[7–13 marks]** Some more detailed references to adult sentences and/or the aims which lie behind the sentences. **Band 4/5** **[14–20 marks]** Very good discussion of the sentences available for adults and the aims which lie behind them. To reach higher marks candidates need to deal with both parts of the question in detail. Need to show 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 Consumer Rights Act 2015 will apply to this contract.** **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 John has made a valid contract under the CRA 2015. **and/or** • Reference to s9 and/or s10 Consumer Rights Act 2015 with little or no development. **Band 4** **[6–7 marks]** Some development of s9 and/or s10 and some application. **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: John has made a valid contract. Under s9(1) the coat is of satisfactory quality as it matches its description under (2) and (3). Under s10(1) John is covered as he asked Khalid for advice on a waterproof coat. He is also covered under s10(3) as the coat could be expected to be waterproof for a walking holiday. Under s10(4) it seems reasonable for John to rely on Khalid's advice so the contract is valid.	**10**
2(b)	**Explain how the Consumer Rights Act 2015 will apply to this contract.** **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 Alexandra has made a valid contract under the CRA 2015. **and/or** • Reference to s9 and/or s13 Consumer Rights Act 2015 with little or no development. **Band 4** **[6–7 marks]** Some development of s9 and/or s13 and some application. **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: Alexandra has made a valid contract. Under s9 the silk is covered by s9(2) and under s13(1) Alexandra has seen the sample before she decides to buy the silk. Zak has told Alexandra about the roughness of the silk so she cannot claim under s13(2)(a) or under s13(2)(b) as she had chance to examine the silk and decided it would be fine for her dress. Credit a reference to s10(1) and (3) as Alexandra has told Zak what she wants to make with the silk.	**10**

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Question	Answer	Marks
2(c)	**Explain how the Consumer Rights Act 2015 will apply to this contract.** **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 Kanye has not made a valid contract under CRA 2015. **and/or** • Reference to s9 Consumer Rights Act 2015 with little or no development. **Band 4** **[6–7 marks]** Some development of s9 and some application. **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: Kanye has not made a valid contract. Under s9(1) the car is not of satisfactory quality and it does not match its description under s9(2)(a). It is not fit for purpose under s9(3)(a) and not safe under s9(3)(d) or durable under s9(3)(e) as it has driven so many miles without being serviced. Credit a discussion that Kanye knows the car is under-priced.	**10**
2(d)	**Describe the alternative methods of dispute resolution available for John, Alexandra and Kanye. Critically assess the effectiveness of these methods.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Describes different types of ADR and/or their effectiveness in very general terms. **Band 3** **[7–13 marks]** Some more detailed references to ADR methods, perhaps with examples, and/or general discussion of their effectiveness. **Band 4/5** **[14–20 marks]** Very good explanation of ADR methods using relevant examples and good discussion of their effectiveness. To reach higher marks both aspects of the question need to be dealt with showing good critical awareness.	**20**

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