Cambridge International AS & A Level

Cambridge Assessment International Education
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/12**

Paper 1 **October/November 2018**

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 October/November 2018 series for most Cambridge IGCSE™, Cambridge International A and AS Level 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 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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General Marking Guidance

- Marking should be positive: marks should not be subtracted for errors or inaccuracies.
- When examiners are in doubt regarding the application of the mark scheme to a candidate's response, a senior examiner must be consulted.
- Crossed our work should be marked unless the candidate has replaced with an alternative response.
- Poor spelling, handwriting or grammar should not be penalized as long as the answer makes sense.
- Annotations must be used.
- A blank space, dash, question mark and a response that bears no relation to the question constitutes a 'no response'.

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 [0 marks]
The answer contains no relevant material.

Band 2 [1–6 marks]
The candidate introduces fragments of information or unexplained examples from which no coherent explanation or analysis can emerge.

Band 3 [7–12 marks]
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 [13–19 marks]
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 [20–25 marks]
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	**Explain how precedent works in the English legal system. Discuss the strengths and weaknesses of this source of law.** **Band 1 [0 marks]** Irrelevant answer **Band 2 [1–6 marks]** Candidate gives a very basic explanation of precedent, but with no real detail or accuracy. Candidates may make brief reference to the strengths and weaknesses, but these may be under developed and list like. **Band 3 [7–12 marks]** Candidate gives a brief but generally accurate explanation of the workings of precedent. These are, however, likely to be superficial and poorly explained with little citation and bear little relevance to the question. There is unlikely to be any discussion of detail or examples to illustrate the answer and little developed reference to the evaluative aspect of the question. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of the concepts of precedent with some useful detail and case example. Candidates may consider ratio, obiter and the position of the various courts with reference to the ability to develop law. Better candidates will go on to illustrate this with a wide range of case law and example. Candidates may address some of the evaluative issues concerning the strengths and weaknesses, and relate this to the question. **Band 5 [20–25 marks]** Candidate gives a clear and very detailed explanation of the concepts of precedent (as in Band 4) with good levels of illustration and explanation. Candidate clearly links the evaluation of the strengths and weaknesses to the question and presents a logical and reasoned argument.	**25**

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Question	Answer	Marks
2	**'We believe that 12 persons, selected at random…represent the views of the common man…' – Lord Denning** **Explain the selection process for jurors. Assess the validity of Lord Denning's view.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of the selection process for jurors, but with little accurate detail and vague evaluative comment. **Band 3** **[7–12 marks]** Candidate gives a basic and generally accurate explanation of the selection of jurors but this may lack detail and offer only limited evaluative comment. **Band 4** **[13–19 marks]** Candidate gives a reasonable explanation of selection of jurors perhaps including qualification, disqualification, eligibility, excusal, and challenge and vetting with some detail and case example where relevant. Candidate offers some attempt to link to the evaluative component of the question and a discussion of the validity of using lay people for this task. **Band 5** **[20–25 marks]** Candidate gives a clear explanation of the selection of jurors including qualification, disqualification, eligibility, excusal, and challenge and vetting with good detail and cited examples. Candidate discusses the validity of using lay people for this task, using case law to support the discussion where relevant and drawing well-reasoned conclusions.	**25**

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Question	Answer	Marks
3	**Describe the process by which an idea for a change in the law becomes an Act of Parliament. Discuss the main criticisms of the legislative process.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the pressures for law reform and/or process in Parliament, but goes no further. There may be very limited points of evaluation but these are not developed. **Band 3 [7–12 marks]** Candidate gives a brief but generally accurate explanation of the pressures for law reform and/or process in Parliament, including all of the stages with no detail or some of the stages with very little detail. There may be limited and undeveloped points of evaluation. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of the pressures for law reform and/or process in Parliament including all of the stages with some detail, or most of the stages with good detail. Better candidates may address the evaluative aspect of the question, but at the lower end of the mark band this may be limited and unfocussed. **Band 5 [20–25 marks]** Candidate gives a clear and very detailed explanation of the pressures for law reform and process in Parliament including all of the stages with good levels of detail. Candidate addresses the evaluative aspect of the question well, with developed arguments and reasoned conclusions.	**25**

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Question	Answer	Marks
4	**Explain the appeal routes in civil cases. Analyse the difficulties that an individual might face in pursuing such an appeal.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of civil appeals with little detail or undermined by error. There may be some unfocused evaluative comment. **Band 3 [7–12 marks]** Candidate gives a basic explanation of the civil appeal pathways from civil trial but the explanations are limited and superficial. Some general statements concerning difficulties may be evident, but they may be weak and confused. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of the appeal pathways from civil trial and grounds of appeal. Candidate makes an attempt to make a link with the evaluative component of the question and to discuss the problems. **Band 5 [20–25 marks]** Candidate gives a clear explanation of routes of appeal with good levels of detail. Candidates make clear and informed links to the evaluative component of the question.	**25**

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Question	Answer	Marks
5	**'Their ignorance of whole areas of British life is shattering. They receive no training whatever…' – Lord Gifford.** **Describe how judges are recruited and trained. Assess the extent to which the statement above is true.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of the recruitment and/or training process of the judiciary but is unlikely to give any detail. There may be limited points of evaluation but these are not developed. **Band 3** **[7–12 marks]** Candidate gives a brief explanation of the recruitment and/or training of some types of judge, but these may be superficial and poorly explained. There is unlikely to be any detailed reference to the evaluative issues within the question. **Band 4** **[13–19 marks]** Candidate gives a reasonable explanation of the recruitment and/or training of most types of judge but may not have wide ranging detail. Better candidates may begin to address the evaluative issues of the adequacy of judicial selection and/or training, but at the lower end of the mark band this may be limited and unfocussed on the question. **Band 5** **[20–25 marks]** Candidate gives a clear and detailed explanation of the recruitment and training of all types of judge. Candidate evaluates the issues of judicial training within the question well.	**25**

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Question	Answer	Marks
6	**Explain the current law on stop and search. Assess the extent to which suspects are adequately protected by this law.** **Band 1** **[0 marks]** Irrelevant answer **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of the police powers of stop and search but is unlikely to include any detail or any reference to the evaluative element within the question. **Band 3** **[7–12 marks]** Candidate gives a basic explanation of the police powers of stop and search. There is unlikely to be any detail or citation of statute, codes or case examples. The evaluative aspect of the question is unlikely to be considered. **Band 4** **[13–19 marks]** Candidate gives a reasonable explanation of the police powers of stop and search. At the upper end of the band there may be references to PACE and the relevant codes, perhaps with some illustration using case law. Candidate makes attempts to address the evaluative component of the question **Band 5** **[20–25 marks]** Candidate gives a clear explanation of the police powers of stop and search with good citation of statute, codes and case law. Candidate clearly addresses the evaluative component of the question.	**25**

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