Cambridge International AS & A Level

Cambridge Assessment International Education
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/22**

Paper 2 **October/November 2019**

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.

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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

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 Sentencing Council Guidelines will apply to Anwar.** **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 Anwar has committed a Category 1 offence and will be sentenced accordingly. **and/or** • Reference to Sentencing Council Guidelines with little or no development **Band 4** **[6–7 marks]** Some development of any of Sentencing Council Guidelines and some application. **Band 5** **[8–10 marks]** Full development of the relevant Guidelines. Conclusion: Anwar has committed a Category 1 offence. This is because the ring is worth over £100 000. It is high culpability (A) because he stole from his employer which indicates breach of a high level of trust or responsibility. There is harm as the ring is of substantial sentimental value and there is emotional distress as it belonged to Karinna's mother. Anwar may be higher up the sentencing range and above the starting point. An argument based on medium culpability (B) can be credited as long as it is supported by sufficient reasoning.	**10**

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Question	Answer	Marks
1(b)	**Explain how the Sentencing Council Guidelines will apply to Femi.** **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 Femi has committed a Category 4 offence and will be sentenced accordingly. **and/or** • Reference to Sentencing Council Guidelines with little or no development. **Band 4** **[6–7 marks]** Some development of Sentencing Council Guidelines and some application. **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: Femi has committed a Category 4 offence. This is because the mobile phone is worth less than £500. It is lesser culpability (C) as he was intimidated into taking part and the theft was opportunistic. There is harm as it will cause a high level of inconvenience, there may be consequential financial harm as it impacts on Sam's business and it makes him fearful. Femi may be lower in the sentencing range but above the starting point.	**10**
1(c)	**Explain how the Sentencing Council Guidelines will apply to Carly.** **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 Carly has committed a Category 3 offence and will be sentenced accordingly. **and/or** • Reference to Sentencing Council Guidelines with little or no development **Band 4** **[6–7 marks]** Some development of Sentencing Council Guidelines and some application. **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: Carly has committed a Category 3 offence. This is because the dog is worth £1500. There is medium culpability (B) as Carly is part of the planning and she distracts Paul so she is integral to the theft although she does not actually steal the dog. There is substantial harm as the dog was a gift from his wife and there is emotional distress as Paul cannot go to work for a week. Carly is likely to be higher in the sentencing range and above the starting point. An argument based on high culpability (A) can be credited as long as it is supported by sufficient reasoning.	**10**

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Question	Answer	Marks
1(d)	**Describe the aims of sentencing used for adult offenders. Assess the extent to which these aims are effective in preventing re-offending.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Describes the aims of sentencing for adult offenders and/or their effectiveness in very general terms. **Band 3** **[7–13 marks]** Some more detailed references to the aims of sentencing for adult offenders, perhaps with a focus on the aims identified in s142 Criminal Justice Act 2003 as punishment, reduction of crime, reform and rehabilitation, public protection and reparation, but with a largely factual basis. Some general discussion of the effectiveness of these aims in preventing reoffending. **Band 4–5** **[14–20 marks]** Very good detail on the aims of sentencing for adult offenders and good discussion of their effectiveness in preventing reoffending. To reach higher marks both aspects of the question need to be dealt with in some detail with good critical awareness.	**20**

Question	Answer	Marks
2(a)	**Explain how the Police Regulations 2003 will apply to Khalid.** **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 Khalid is unlikely to go on to become a police officer. **and/or** • Reference to Regulation 10 of the Police Regulations 2003 with little or no development. **Band 4** **[6–7 marks]** Some development of Regulation 10 and some application. **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: Khalid is unlikely to go on to be a police officer. He meets the residence condition under 1(a), he has two good references which meets (b), he is 21 and so meets the age criteria in (c), he has passed the physical tests to meet (d) and he has passed the literacy and numeracy tests to meet (f). However, his failure to declare his caution for theft means he does not meet (h).	**10**

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Question	Answer	Marks
2(b)	**Explain how the Police Regulations 2003 will apply to PC Walker.** **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 PC Walker may be allowed to work as a police officer. **and/or** • Reference to Regulations 10 and/or 12 and/or 13 of the Police Regulations 2003 with little or no development. **Band 4** **[6–7 marks]** Some development of Regulations 10 and/or 12 and/or 13 and some application. **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: PC Walker may be allowed to serve as a police officer. Under Regulation 12(1) there is a valid probationary period and this can be set by the chief officer under (2). Her timed in the armed services brings her within Regulation 10(1)(b), she meets (c) as she is 30 years old and she meets all the other requirements. PC Walker's anxiety attack on the last day of her probationary period means she may fail her probation under 13(1) but this may not prevent her working as an officer given her previous record. Credit an argument based on the fact that under s13(1) an anxiety attack may make PC Walker unfit to be a police officer as long as it is supported by sufficient reasoning	**10**

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Question	Answer	Marks
2(c)	**Explain how the Police Regulations 2003 will apply to Troy.** **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 Troy will not be able to continue as a police officer. **and/or** • Reference to Regulation 10 and/or 12 and/or 13 of the Police Regulations 2003 with little or no development. **Band 4** **[6–7 marks]** Some development of Regulation 10 and/or 12 and/or 13 and some application. **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: Troy will not be able to continue as a police officer. Under Regulation 10(1) Troy, who is 19 years old, meets the age requirement in (c) but he does not meet (b) as one reference refers to his fighting and (e) as he does not tell the truth about his eyesight. There is an appropriate probationary period under 12(1) as the six months has been set by the Secretary of State. Under 13(1) the chief officer may dispense with Troy's services due to his physical competence with regard to his eyesight or his efficiency due to his aggression. Under (2) he will receive a month's pay or notice.	**10**
2(d)	**Describe the parliamentary and judicial controls of delegated legislation. Assess the effectiveness of delegated legislation as a method of law making.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Describes the controls over delegated legislation and/or assesses the effectiveness of this type of law making in very general terms. **Band 3** **[7–13 marks]** More detailed references to the parliamentary and/or judicial controls on delegated legislation, such as resolution procedures and the use of committees in Parliament and/or judicial review in the courts and some assessment of the effectiveness of delegated legislation as a form of law making but with a largely factual basis. **Band 4–5** **[14–20 marks]** Very good detail on the way in which delegated legislation is controlled by both parliamentary and judicial methods and good assessment of the effectiveness of delegated legislation as a form of law making. To reach higher marks candidates need to engage with both aspects of the question showing good critical awareness.	**20**

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