Cambridge International AS & A Level

Cambridge Assessment International Education
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/23**

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.

Cambridge International is publishing the mark schemes for the October/November 2019 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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Question	Answer	Marks
1(a)	**Explain how the Investigatory Powers Act 2016 will apply to Richard.** **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 Richard has not committed an offence. **and/or** • Reference to s3 and/or s4 Investigatory Powers Act 2016 with little or no development **Band 4** **[6–7 marks]** Some development of any of s3 and/or s4 and some application **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: Richard has not committed an offence. He falls under s3(1)(a)(ii) as he intentionally intercepts Sue's phone which uses a private telecommunications system and under (b) this is done in the UK but Richard does have lawful authority under (c) as he has been instructed to find out Sue's plans. This means it is likely he has consent under s3(2)(b) to track Sue's calls and messages. Richard falls under s4(1) and (2)(b) or (c) as he diverts and listens to Sue's calls and messages.	**10**
1(b)	**Explain how the Investigatory Powers Act 2016 will apply to Amanda.** **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 Amanda may or may not have committed an offence. **and/or** • Reference to s3 and/or s4 Investigatory Powers Act 2016 with little or no development. **Band 4** **[6–7 marks]** Some development of any of s3 and/or s4 and some application. **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: Amanda may or may not have committed an offence. She is covered by s3(1)(a) as she intentionally tracks Phil using a phone which comes under (i) as it is a public telecommunications system and by (b) as this happens in the UK. Under (c) she has been moved to another job but Amanda may have implied permission as she is still a serving police officer. She meets s4(1) as there has been an act under (2)(c) and a modification to Phil's phone under (3)(b), all of which happened in the UK and is within s4(8). Any conclusion must be supported by relevant evidence.	**10**

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Question	Answer	Marks
1(c)	**Explain how the Investigatory Powers Act 2016 will apply to Frank.** **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 Frank has committed an offence. **and/or** • Reference to s3 and/or s4 Investigatory Powers Act 2016 with little or no development **Band 4** **[6–7 marks]** Some development of some of s3 and/or s4 and some application. **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: Frank has committed an offence. He meets the requirements of s3(1)(a)(ii) as a private telecommunications system, (b) as he intercepts Charlie's calls from the UK and he may meet (c) as it is his boss who has lawful authority. However, Frank may be covered by s3(2)(b) as he has implied permission via his boss. He also meets s4(1) and (2)(b) or (c) but is caught by s4(8)(b)(ii) because both Charlie and the man he calls about the animals are in Australia and not the UK.	**10**
1(d)	**Describe the appeal system used in criminal cases. Assess the effectiveness of this system.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Describes the criminal appeal system and/or assesses its effectiveness in very general terms. **Band 3** **[7–13 marks]** Some more detailed description of the criminal appeal process, perhaps dealing with the different courts or the rights of both prosecution and defence but with a largely factual basis. Some general assessment of the effectiveness of the appeal process, perhaps in relation to miscarriages of justice, but lacking in detail or range. **Band 4–5** **[14–20 marks]** Very good discussion of all aspects of the criminal appeal system alongside good assessment of the effectiveness of the system. To reach higher marks all aspects of the question need to be dealt with in some detail with good critical awareness.	**20**

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Question	Answer	Marks
2(a)	**Explain how the Road Traffic Act 1991 will apply to Graham.** **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 Graham has committed an offence. **and/or** • Reference to s1 and/or s2 Road Traffic Act 1991 with little or no development. **Band 4** **[6–7 marks]** Some development of s1 and/or s2 and some application. **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: Graham has committed an offence under s1 as Dorothy has died. He is also covered by s2(1)(a) and (b) as he is exceeding the speed limit and has been told to be careful by the salesman, which means he fulfils the requirements of (3). Credit an argument that Dorothy's death might not have been foreseeable.	**10**
2(b)	**Explain how the Road Traffic Act 1991 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 an offence **and/or** • Reference to s22A Road Traffic Act 1991 with little or no development. **Band 4** **[6–7 marks]** Some development of s22A and some application. **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: Carly has committed an offence. She has moved the traffic light under s22A(1)(c) and because of the bend this is likely to be seen as dangerous by the reasonable person. In addition she is caught by (2) as she intentionally moved the light and the warning sign, which creates a risk of damage to a person or to property. The traffic light and sign come under (3)(a). She may escape liability for the warning sign as under (5) the sign is on a footpath.	**10**

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Question	Answer	Marks
2(c)	**Explain how the Road Traffic Act 1991 will apply to Nick.** **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 Nick has committed at least one offence. **and/or** • Reference to s2 and/or s22A Road Traffic Act 1991 with little or no development. **Band 4** **[6–7 marks]** Some development of s2 and/or s22A and some application. **Band 5** **[8–10 marks]** Full development of the relevant sections. Conclusion: Nick has committed an offence in relation to the truck and the sign. There is an offence under s2(2) as tying the extra trailer on with rope is a dangerous way to drive on a busy road. He is also liable under (3) as he knows the road is busy and under (4) as he knows he should not tie on the extra trailer. In relation to the sign he commits an offence under s22A(1)(a) as it sticks out into the road, which is unlikely to be reasonable, and under (2) it creates an obvious danger of injury to a person or serious damage to property. An argument based on s22A(1)(b) in that Nick interferes with the trailer by tying on an extra trailer with rope can be credited.	**10**
2(d)	**Describe where ideas for law reform come from. Assess the effectiveness of the law reform system.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Describes the source of law reform ideas or makes some basic assessment of effectiveness in general terms. **Band 3** **[7–13 marks]** Some more detailed references about the sources of law reform ideas, including examples such as pressure groups, MPs, the media and the Law Commission, but perhaps with a factual focus and some general assessment as to the effectiveness of the systembut lacking in detail or range. **Band 4–5** **[14–20 marks]** Very good explanation of the sources of ideas for law reform as well as detailed assessment of their effectiveness. To reach higher marks all aspects of the question need to be dealt with in some detail with good critical awareness.	**20**

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