CAMBRIDGE
International Education

Cambridge International AS & A Level

LAW **9084/11**

Paper 1 English Legal System **October/November 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 October/November 2024 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 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.

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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> courts which deal with civil cases.** **AO1 Knowledge and understanding** Any **two** from: • Magistrates Court • County Court • High Court • Court of Appeal (Civil Division) • Supreme Court 1 mark for each court named for a total of 2 marks.	**2**

Question	Answer	Marks
2	**Identify <u>two</u> reasons for an appeal in the criminal courts.** **AO1 Knowledge and understanding** Any **two** from: • Against conviction • Against sentence • Case stated appeal 1 mark per reason accurately identified up to a maximum of 2 marks.	**2**

Question	Answer	Marks
3	**Identify <u>five</u> types of legal system used around the world.** **AO1 Knowledge and understanding** • Codified Civil Legal System • Common Law • Customary law • Religious Law • Mixed Legal Systems 1 mark per system accurately stated up to a maximum of 5 marks.	**5**

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Question	Answer	Marks
4	**Explain the difference between inquisitorial and adversarial trials.** **AO1 Knowledge and understanding** Inquisitorial: • Judge takes an active role and questions witnesses • Judge acts as a fact finder • Emphasis on impartiality and truth finding • Advocates help the judge rather than take sides • Can make for lengthy cases • Often applied in countries with codified system Adversarial: • Judge is impartial and does not ask questions • Each advocate represents its own parties' case • Investigation is carried out by the police • Each side seeks to discredit the other sides witnesses • Leads to a contest between the parties • Usually in countries with common law jurisdictions. 1 mark for defining each term and up to 2 marks for explaining each term, for a total of 6 marks.	**6**

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

Discuss the disadvantages of using lay magistrates.

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:

Disadvantages:
- Not a true cross section of the population
- 84% over 50
- Majority from professional or managerial backgrounds
- Young people less likely to apply as they are concentrating on progression at work
- Unlikely to live in problem areas so cannot understand area's issues
- Local court closures mean that local knowledge being lost
- Can be inconsistencies in sentencing
- Too great a reliance on legal advisor
- Biased in favour of police/prosecution.

</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 negotiation and mediation.** Use Table B to mark candidate responses to this question. **Indicative content** Responses may include: **AO1 Knowledge and understanding** Negotiation: • Face to face • By phone/letters • May use solicitors • Informal • Not binding Mediation: • Neutral 3rd party • Trained • Seeks compromise • Can be done online • Mediator does not disclose own views • Seeks to discover common ground • Formalised settlement conference • Commercial mediation services • Centre for Dispute Resolution • West Kent Independent Mediation Service	**10**

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Question	Answer	Marks
6(b)	**Discuss the advantages of using alternative dispute resolution (ADR) to resolve a civil dispute.** Use Table C to mark candidate responses to this question. **Indicative content** Responses may include: **AO2 Analysis and application and AO3 Evaluation** Negotiation: • Quick & straightforward • No costs • Parties in control Conciliation: • Cheaper than court • Parties have some control • Can include agreements about future business Mediation: • Cheaper than court • Parties in control • Covers many areas • Can include agreements about future business Arbitration: • Cheaper than court • Final & binding decision • Can be enforced in court	**15**
	AO2	8
	AO3	7

Question	Answer	Marks
7(a)	**Explain the process required to appoint a judge in the Supreme Court.** Use Table B to mark candidate responses to this question. **Indicative content** Responses may include: **AO1 Knowledge and understanding** Qualifications: Supreme Court • 15 year Supreme Court Qualification or hold high judicial office e.g. judge in Court of Appeal • Can also be appointed from senior judiciary in Scotland or NI for at least 15 years • Barrister or Solicitor Selection Process: Supreme Court • Selected according to part 3 Constitutional Reform Acct 2005 • Office of the President of the Court convenes a Supreme Court Selection Commission • Includes President & Deputy of the Supreme Court & one member of the JAC decides on the selection process, selects candidate and reports to the Lord Chancellor • Lord Chancellor must accept • LC notifies the PM, recommends to the King who appoints.	10

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Question	Answer	Marks
7(b)	**Assess whether the process for appointing a judge in the Supreme Court ensures that the appropriate candidates are selected.** Use Table C to mark candidate responses to this question. **Indicative content** Responses may include: **AO2 Analysis and application and AO3 Evaluation** **Supreme Court** • Historically 'secret soundings' • Lord Chancellor chose on basis of private recommendations. • Candidates did not know information held on them. • Now improved as more open system • Lord Chancellor cannot now refuse an appointment suggested by the panel. • Wider range of people involved in selection. • However, these committees predominantly consist of existing senior judges, problem? • No requirement on selection committee for gender/ethnicity balance • Limited pool of candidates • Less likely to include women or those from minorities. • This may improve as these types of candidates come up through the system. • Solicitors now qualify.	**15**
	AO2	8
	AO3	7

Question	Answer	Marks
8(a)	**Explain the stages through which a bill passes in the House of Commons.** Use Table B to mark candidate responses to this question. **Indicative content** Responses may include: **AO1 Knowledge and understanding** House of Commons: • First Reading • Second Reading • Committee Stage • Report Stage • Third Reading.	**10**

Question	Answer	Marks
8(b)	**Discuss the advantages and disadvantages of the legislative process**. Use Table C to mark candidate responses to this question. **Indicative content** Responses may include: **AO2 Analysis and application and AO3 Evaluation** Advantages • Made by elected representatives. • Unelected House of Lords cannot delay law indefinitely –*Parliament Acts (1911) (1949)* • Can reform whole areas in one act *Fraud Act (2006)* • Can set broad policies and leave detail to Delegated Legislation • Consultation before a bill enters Parliament ensures focus and acceptability. • High level of scrutiny • Some expertise in Committees • Law is certain and cannot be altered by judges. Disadvantages: • Government time • Unwillingness to change 'lawyers' law' e.g. Offences Against the Person Act 1861 • Long involved process • Little time for Private Members' bills • Acts can be very hard to understand Complex structure. • Complex when parts of acts are amended. • Not always clear when an act comes into effect. • Constant revisions at various stages can make acts more complex. • Undemocratic influence of unelected House of Lords	**15**
	AO2	8
	AO3	7

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