CAMBRIDGE
International Education

Cambridge International AS & A Level

LAW **9084/12**

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.

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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.

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>one</u> extrinsic aid used in statutory interpretation.** **AO1 Knowledge and understanding** Any one from: • Previous Acts on the same topic • Dictionaries of the time the Act was passed • Earlier case law • The historical setting • Hansard • Law reform bodies' reports • International treaties 1 mark per extrinsic aid accurately identified up to a maximum of 1 mark.	**1**

Question	Answer	Marks
2	**Identify <u>two</u> influences on parliamentary law making.** **AO1 Knowledge and understanding** Any two from: • Political • Media • Public opinion • Lobbying • Pressure groups 1 mark per influence accurately named up to a maximum of 2 marks.	**2**

Question	Answer	Marks
3	**Describe the jurisdiction of <u>three</u> criminal courts.** **AO1 Knowledge and understanding** Any three from: • Magistrates • Crown • Court of Appeal (Criminal Division) • Supreme Court • High Court (King's Bench Division) – case stated appeals • Youth Court for defendants aged under 18. 1 mark for naming a court and 1 mark for describing the jurisdiction x 3.	**6**

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Question	Answer	Marks
4	**Describe <u>two</u> stages in the training of barristers.** **AO1 Knowledge and understanding** Any two from: • Bar Course Aptitude Test • Join an Inn of Court • Complete Bar Professional Training Course (one year full time or two years part time) • Complete 12 sessions of training provided by the Inns of Court • Complete a 12 month pupillage 1 mark for naming a stage and up to 2 marks for describing the stage ×2	**6**

<table>
<tr><th>Question</th><th>Answer</th><th>Marks</th></tr>
<tr><td>5</td><td>
Discuss the disadvantages for a defendant who chooses to have a triable either way offence heard in the Crown Court.

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
• Takes longer to reach court.
• Greater chance of publicity
• May not be tried locally.
• Sentencing powers of the judge are greater.
• Likely to need legal advice and representation.
• Longer trials so more expense.
• Lower chance of being granted bail before trial.
• More difficult to appeal (there is an automatic right from the Magistrates' Court but leave is required from the Crown)
• Juries are used in the Crown Court and so there may be problems associated with that: lack of understanding, bias, media influence.
</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>

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)	**Describe the training of lay magistrates.** Use Table B to mark candidate responses to this question. **Indicative content** Responses may include: **AO1 Knowledge and understanding** Training: • By Magisterial Committee of the Judicial College • Often delivered locally by universities or by legal advisor • Introductory training • Training on key skills • Attend court and observe magistrates. • Visits to prisons, probation offices etc • Mentoring • Professional Development Log • Appraisal • Specialists training for Youth/Family courts.	**10**
6(b)	**Assess the extent to which the training of lay magistrates prepares them adequately for their role.** Use Table C to mark candidate responses to this question. **Indicative content** Responses may include: **AO2 Analysis and application and AO3 Evaluation** Training: Training now includes: • National syllabus – more consistent training • Drawn up by Magisterial Committee of the Judicial College – expertise. • Training now structured. • Over 30 courses run by the College each year. • Materials provided centrally to aid consistency. • Introductory training familiarises new Magistrates with the organisation of the Bench. • Requirement for observation aids understanding of task. • Personal development log ensures reflection and improvement. • Mentor helps with understanding the tasks. • Appraisal assesses progress. • Extra training available is standards not achieved. • Practical 'on the job' training and checks understanding. • Extra training for specific roles i.e. Youth Court, Chairs etc.	**15**
	AO2	8
	AO3	7

Question	Answer	Marks
7(a)	**Explain what is meant by the rule of law.** Use Table B to mark candidate responses to this question. **Indicative content** Responses may include: **AO1 Knowledge and understanding** Concepts: • Symbolic idea • Hard to quantify. Dicey: • No punishment without breach • Everyone is equal before the law • The constitution is the results of the ordinary law of the land. • Process of law making should be fair – open process in courts and parliament. • Separation of powers prevents a dictatorship. • Governments powers limited by law e.g. Teresa May's decision not to hold a Parliamentary vote re Brexit challenged in court. • Threats to Rule of Law – Belmarsh detainees, Black Spider memos.	**10**
7(b)	**Assess the extent to which the rule of law exists in the English legal system.** Use Table C to mark candidate responses to this question. **Indicative content** Responses may include: **AO2 Analysis and application and AO3 Evaluation** • Not enshrined in a written constitution • Varying definitions of it – Dicey, Von Hayek, Raz • Parliament can make (or remove) any law it wants to • House of Lords not elected so might refuse ideas from the elected house. • Government use of Statutory Instruments with little or no Parliamentary scrutiny • The monarch is 'above the law'. • Trials facing long delay. • Not everyone can afford good legal representation, because of lack of funding. • Possible misuse of some police powers (stop & search)	**15**
	AO2	8
	AO3	7

Question	Answer	Marks
8(a)	**Explain how the police should conduct a lawful stop and search.** Use Table B to mark candidate responses to this question. AO1 out of 10 marks. **Indicative content** Responses may include: **AO1 Knowledge and understanding** • Sections 1–7 PACE 1984 • Code of Practice A • Give a clear explanation of the reasons for the Officer's search. • What the Officer will be looking for • Warrant card to be produced, if the Officer is not in uniform. • Officer must state their name and collar number. • Officer must identify the station at which s/he is based. • Officer must inform person of their entitlement to a copy of the stop/search record. • Officer must specify the legislation under which s/he is searching • Officer must clearly explain that person is being detained for the purpose of a search. • Must be in a public place. • Must have reasonable grounds for suspecting they will find stolen or prohibited articles. • May only request suspect remove outer coat, jacket or gloves. • Extra powers under s23 Misuse of Drugs Act (1971) and Terrorism Act (2000)	**10**

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Question	Answer	Marks
8(b)	**Assess the extent to which the law on stop and search strikes a fair balance between the powers of the police and the rights of the individual.** Use Table C to mark candidate responses to this question. **Indicative content** Responses may include: **AO2 Analysis and application and AO3 Evaluation** • Need to deal with crime: • Essential police tool • Higher profile recently with gang related stabbings • Should be used to make communities feel more secure. • Extra powers for drugs and terrorism issues to make communities feel safer. • Rights of the individual: • Protected by the need for officer to identify himself – accountability. • *Osman v DPP* (1999) • Will make stop & search unlawful if not carried out properly. • In *Osman* QBD said that this requirement "was of great importance in relation to civil liberties". • *Michaels v Highbury Corner Magistrates' Court* (2009) • Protects suspects by limiting clothing removal during stop and search. • Reasonable suspicion required. • Cannot be based on 'personal factors' like race. • Cannot be based on stereotypical images of certain groups. • However, still evidence of it being used disproportionately on black youths. • Best Use of Stop & Search scheme 2014 Required forces to collect data on range of outcomes form stop and search. • Led to 40% reduction in 2014-2015 • Coronavirus Act 2020 – disproportionate stop and searches, no balance in favour of individual.	**15**
	AO2	8
	AO3	7

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