

Cambridge International AS & A Level

LAW**9084/12**

Paper 1 English Legal System

May/June 2025**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 May/June 2025 series for most Cambridge IGCSE, Cambridge International A and AS Level components, and some Cambridge O Level components.

This document consists of **17** printed pages.

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.

**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.

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.

Annotations guidance for centres

Examiners use a system of annotations as a shorthand for communicating their marking decisions to one another. Examiners are trained during the standardisation process on how and when to use annotations. The purpose of annotations is to inform the standardisation and monitoring processes and guide the supervising examiners when they are checking the work of examiners within their team. The meaning of annotations and how they are used is specific to each component and is understood by all examiners who mark the component.

We publish annotations in our mark schemes to help centres understand the annotations they may see on copies of scripts. Note that there may not be a direct correlation between the number of annotations on a script and the mark awarded. Similarly, the use of an annotation may not be an indication of the quality of the response.

The annotations listed below were available to examiners marking this component in this series.

Annotations

Annotation	Meaning
	Unclear
	Accurate
	Benefit of the doubt
	Subordinate clause / consequential error
	Incorrect point
	Evaluation
	Dynamic, Horizontal Wavy line that can be expanded
Highlighter	Highlight
	Two statements are linked
	Not answered question
Off page comment	Off Page Comment
	Repeat
	Indicates that the point has been noted, but no credit has been given.
	Indicates that the point has been noted, but no credit has been given
	Correct point
	Dynamic, Vertical Wavy line that can be expanded

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.

Question	Answer	Marks
1	Identify one court which hears civil appeals. Any court from: • High Court • Court of Appeal (Civil Division) • Supreme Court	1

Question	Answer	Marks
2	Identify two common law rules used by judges to interpret statutes. Any two from: • Literal Approach • Golden Rule (narrow or broad) • Mischief Rule • Purposive Approach	2

Question	Answer	Marks
3	Describe three rights of which detainees must be informed when they arrive at the police station. Any three from; • Have someone informed of their arrest • Be allowed to speak on the telephone for a reasonable time to one person • If under 18 police must also contact a person responsible for their welfare • Be told that independent free legal advice is available • Be allowed to consult privately with a solicitor • Be allowed to consult the Code of Practice • Be made aware of their rights whilst at the police station • The right to remain silent • The right to an interpreter or translator.	6

Question	Answer	Marks
4	Describe customary law. Any two from; • Develops in a community without being invented • Formed the basis of common law • Judges gathered these laws after the Norman conquest • Unlikely to create new law today • Some relatively recent examples might include <i>Edgerton v Harding 1974</i> <i>New Windsor Corporation v Mellor 1974</i> Credit any other relevant answers	6

Question	Answer	Marks																		
5	Discuss the disadvantages of the legislative process in Parliament 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> <th></th><th>Description</th><th>Description</th></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> AO2 Analysis and application and AO3 Evaluation Indicative content Responses may include: Disadvantages - Pressure on Parliamentary time - Lack of expertise on 'lawyers' law' - MPs tend to vote according to their party - Lack of law creation based on law Commission reports - Long and complex process - Government controls parliamentary timetable, little chance for private members or opposition bills - Acts are often long and complex, requiring interpretation by the courts - Complication caused by acts repealing earlier acts - Acts may not come into force immediately	Level	AO2 Analysis and application 6 marks	AO3 Evaluation 4 marks		Description	Description	3	5–6 marks - Clearly reasoned analysis. - Effective use of relevant examples.	4 marks Clearly focused evaluation developed with relevant evidence.	2	3–4 marks - Some analysis. - Some use of relevant examples.	2–3 marks Some evaluation which may be developed with some relevant material.	1	1–2 marks - Limited analysis. - Limited use of relevant examples.	1 mark Limited evaluation with little or relevant evidence.	0	0 marks No creditable content.	0 marks No creditable content.	10
Level	AO2 Analysis and application 6 marks	AO3 Evaluation 4 marks																		
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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

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.

Question	Answer	Marks
6(a)	Explain the role of a solicitor. AO1 Knowledge and understanding Use Table B to mark candidate responses to this question. AO1 out of 10 marks. Indicative content Responses may include: • May work in private practice • May work in partnerships • May work for the CPS, local authority or government department • May work as legal advisors to businesses • Conveyancing • Wills • Consumer problems • Business matters • Personal injury • Family matters • Rights of audience • Criminal work – duty solicitors • Draft legal documents, gather evidence, meet with clients.	10

Question	Answer	Marks
6(b)	Discuss whether it is necessary to have both solicitors and barristers AO2 Analysis and application and AO3 Evaluation Use Table C to mark candidate responses to this question. AO2 out of 8 marks. AO3 out of 7 marks. Indicative content Responses may include: <u>Both are needed because:</u> Barristers • Focus mainly on advocacy • Develop expertise in the skills • May become specialists • Can draft expert opinions • Are perceived as expensive Solicitors • More easily approachable as often in the High Street • Often offer free introductory interviews • Can deal with a wide range of topics • Can form a closer relationship with the client • Can refer to a barrister if issue is complex • May be cheaper • May become specialists (solicitor advocates) <u>However</u> • Recent reforms have blurred the distinction between the roles • Solicitors now have wider range of advocacy rights • Solicitors can become KCs • Direct access to barristers now possible – Bar Direct • Some firms of solicitors now are expert in only a few topics. • Costs to clients may be reduced if the case can be dealt with by one lawyer who can perform all the tasks • <i>Courts & Legal Services Act 1990, Access to Justice Act 1999</i> Credit any relevant conclusion	15

Question	Answer	Marks
7(a)	Explain how the police make the decision to release suspects on bail or remand them in custody. AO1 Knowledge and understanding Use Table B to mark candidate responses to this question. AO1 out of 10 marks. Indicative content Responses may include: • <i>Police & Criminal Evidence Act 1984</i> • <i>Criminal Justice & Public order Act 1994</i> • <i>Bail Act 1976</i> • Release on bail – allow to be at liberty whilst awaiting trial • Remand in custody – remain under restraint in some way • Right to bail • Decision made by the custody officer • Can be before charge is made, or after charge and before trial • Custody officer can refuse if name and address cannot be discovered • If fail to surrender can be arrested • Can include conditions • If no police bail must be brought before the magistrates' Court as soon as possible • Release Under Investigation (RUI) introduced in 2017	10

Question	Answer	Marks
7(b)	Discuss the advantages and disadvantages of allowing a suspect to be released on bail AO2 Analysis and application and AO3 Evaluation Use Table C to mark candidate responses to this question. AO2 out of 8 marks. AO3 out of 7 marks. Indicative content Responses may include: Advantages: • Individual is not yet guilty • Allows accused to gather evidence and witnesses • Unrestricted advice to legal advice • Allows suspect to retain job, family ties etc • Can attach conditions to control behaviour • Special rules for very serious offences and adult drug users <i>Criminal Justice Act 2003</i> Disadvantages • Accused may interfere with witnesses • Accused may interfere with evidence • General public may be at risk if bail is granted • Accused may commit further offences on bail • Time spent remanded in custody may be deducted from any final sentence	15

Question	Answer	Marks
8(a)	Explain the jurisdiction of the Magistrates' court in the criminal justice system. AO1 Knowledge and understanding Use Table B to mark candidate responses to this question. AO1 out of 10 marks. Indicative content Responses may include: • Sits as a panel of three • Tries 97 % of all criminal cases • Bail decisions • Tries summary offences • Decides on innocence or guilt • Sentencing for summary offences • Preliminary hearing for indictable offences • Can hear triable either way offences or pass them to Crown Court for trial • Youth Court • Issues warrants	10

Question	Answer	Marks
8(b)	Assess the effectiveness of using lay magistrates in the criminal justice system. AO2 Analysis and application and AO3 Evaluation Use Table C to mark candidate responses to this question. AO2 out of 8 marks. AO3 out of 7 marks. Indicative content Responses may include: Effectiveness; • Local people • Good gender balance • Reasonable range of ethnic backgrounds • Cheaper • Understand the area • National training • Use of legal advisor • Few appeals Issues • Not a true cross section • Unlikely to live in problem areas • Fewer volunteers so need appointment of District Judges • May become case hardened • Inconsistencies in sentencing • Rely too much on legal adviser • Possible pro police bias	15