

Cambridge International AS & A Level

LAW**9084/11**

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 **14** 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

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.

Question	Answer	Marks
1	Identify one case in which the mischief rule of statutory interpretation was used by a judge. AO1 1 mark per case accurately identified up to a maximum of 1 mark Any case from; • <i>Heydon's Case 1584</i> • <i>Coates v Crown Prosecution Service 2011</i> • <i>Elliot v Grey 1960</i> • <i>Smith v Hughes 1960</i> Credit any other relevant case	1

Question	Answer	Marks
2	Identify two courts which hear criminal appeals from the Magistrates' Court. AO1 1 mark per court accurately identified up to a maximum of 2 marks Any two from; • Crown Court • King's Bench Division of the High Court • Supreme Court • Court of Appeal (Criminal Division)	2

Question	Answer	Marks
3	Describe three roles of the Law Commission. AO1 1 mark for naming a role and up to 2 marks for describing the role ×3 Any three from; • Review • Reform • Codification • Consolidation • Repeal of existing law	6

Question	Answer	Marks
4	Describe three types of work carried out by legal executives. AO1 1 mark for naming an area and up to 2 marks for describing the area ×3 Any three from; • Dealing with property transfers • Assisting in the formation of a company • Draft wills • Advise on matrimonial problems • Advise clients accused of crime • Advise clients detained in a police station • Interview witnesses • Some rights of audience Credit any other relevant answers	6

Question	Answer	Marks																		
5	Discuss the disadvantages of arbitration as a method of dispute resolution. AO2 Analysis and application and AO3 Evaluation Table A Use this table to give marks for each candidate response. <table border="1"> <tr> <th>Level</th><th>AO2 Analysis and application 6 marks</th><th>AO3 Evaluation 4 marks</th></tr> <tr> <td></td><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> Indicative content Responses may include: Disadvantages <i>Arbitration;</i> - More expensive than other types of ADR - Can be formal - Not always suitable if a point of law is involved - May need legal representation - Must be used if there is a <i>Scott v Avery</i> clause - May be a paper arbitration so no chance for a ‘day in court’ - Parties may not be on an equal footing as no funding is available - May raise an unexpected legal point which is not suitable for a non - lawyer arbitrator. - May be delays if using a commercial or international arbitrator - Award is usually final - Rights of appeal are limited	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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0	0 marks No creditable content.	0 marks No creditable content.																		

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 powers of the Supreme Court to depart from otherwise binding precedent. AO1 Knowledge and understanding Use Table B to mark candidate responses to this question. AO1 out of 10 marks. Indicative content Responses may include: • Overruling: <i>Pepper v Hart</i> 1993 • Reversing • Distinguishing: <i>Rylands v Fletcher</i> 1868, <i>Read v Lyons</i> 1947 • Creating an original precedent: <i>Donoghue v Stevenson</i> 1932, <i>Hunter v Canary Wharf</i> 1997 • Use of Practice Statement: <i>Conway v Rimmer</i> 1968, <i>BRB v Herrington</i> 1972, <i>R v R&G</i> 2003, <i>Austin v London Borough of Southwark</i> 2010	10
6(b)	Discuss whether the system of precedent allows the law to develop. 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: Does not allow for development because; • Strict hierarchy of courts • Cases have to reach higher courts to change law • Process maybe too expensive for litigants • Cases can be very complex • Distinctions can be illogical “hair-splitting” • Law cannot be changed unless an appropriate case comes before the court – slows growth • Not really the job of the judge to “make law” Allows for development because; • All courts can use reversing and overruling if high enough in hierarchy • All courts can use distinguishing • All courts can create original precedents when new situations occur • Courts can fill in the gaps where parliament has not created a statute to prevent law coming to a standstill • Court of Appeal has special rules where they are not bound by previous decisions • Supreme Court can use Practice Statement	15

Question	Answer	Marks
7(a)	Explain how members of a jury are vetted and challenged. AO1 Knowledge and understanding Use Table B to mark candidate responses to this question. AO1 out of 10 marks. Indicative content Responses may include: • Vetting; DBS checks, checks on background and political affiliation, <i>ABC Trial 1978</i>, Attorney-General's Guidelines • Challenge to the array; <i>Romford Case</i>, <i>R v Fraser 1987</i>, <i>R v Ford 1989</i> • Challenge for cause; <i>R v Wilson & Sprason 1995</i> • Prosecution right to “stand by” jurors	10
7(b)	Assess whether jury members can be said to be truly unbiased. 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: Unbiased; • Randomly chosen • Not case hardened • Not connected to the case • Wide range of backgrounds may cancel out individual bias • Use of vetting/challenge • Decide in secret • No individual responsibility Possible bias; • Media coverage <i>R v West 1996</i>, <i>R v Taylor & Taylor 1993</i> • Use of social media <i>R v Karakaya 2005</i>, <i>Criminal Justice & Courts Act 2015</i> • May make decisions inappropriately <i>R v Young</i> • Danger of Jury Tampering • Use of electoral register may make selection unrepresentative • Perverse jury decisions <i>R v Ponting 1985</i>, <i>R v Randle & Pottle 1991</i>	15

Question	Answer	Marks
8(a)	Explain what is meant by parliamentary supremacy. AO1 Knowledge and understanding Use Table B to mark candidate responses to this question. AO1 out of 10 marks. Indicative content Responses may include: • Defined by Dicey in 19th century • Sometimes called the sovereignty of Parliament • Parliament can legislate on any issue • Parliament can change its own powers <i>Parliament Acts 1911 and 1949</i> • No parliament can be bound by any previous parliament • No parliament can pass an act to bind a later parliament • Parliamentary law cannot be overruled by the courts • No other body can override or set aside an Act of Parliament <i>R (ex parte Miller & Another) v The Secretary of State for Exiting the European Union 2016</i>	10
8(b)	Discuss whether the limits on parliamentary supremacy are effective. 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: • The effect of the <i>Human Rights Act 1998</i>; • Compatibility with ECHR, s4 HRA allows courts to declare an act incompatible with the Convention, parliament still has to repeal the act and replace it with relevant legislation, <i>H v Mental Health Review Tribunal 2001</i>. • The impact of devolved powers; • <i>The Scotland Act 1998, Government of Wales Act 1998</i>, limited to certain areas. However some proposed legislation can still be blocked by Westminster, <i>Gender Recognition Act (Scotland) 2023</i> • The impact of EU membership; <i>The European Communities Act 1972</i>, parliamentary sovereignty limited as EU law took priority over UK law, effect of Brexit • Grant of arbitrary powers to ministers; this may happen under some types of Delegated legislation • No effective control by the courts on Acts; however delegated legislation can be challenged through judicial review	15