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CAMBRIDGE
International Education

Cambridge International AS & A Level

LAW **9084/12**

Paper 1 English Legal System **May/June 2026**

MARK SCHEME

Maximum Mark: 75

Published

This mark scheme contains the instructions and marking guidance that our examiners used to mark candidate responses for this component.

Before they start marking, examiners complete a standardisation process. They review a range of candidate responses and discuss the mark scheme in detail to agree which answers can and cannot be accepted. Examiners award marks where it is clear that candidate responses have met the requirements of the mark scheme. These requirements may vary between different components or different versions of the same component, depending on the exact requirements of the question and the candidate responses seen during the standardisation process.

Sometimes, our mark schemes may allow marks to be awarded to responses which contain elements that are factually incorrect or for content not covered by the syllabus. We do this in response to the demands of a specific question to support candidates and make sure that our assessments are fair. However, these allowances should not be used as a guide for teaching and learning.

We cannot discuss the mark scheme with schools, and we recommend that schools read the mark scheme together with the assessment material and the Principal Examiner Report for Teachers.

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General marking principles

All examiners must apply these marking principles when marking candidate responses.

1	Examiners must award marks for each response in line with: • the specific **content** defined in the mark scheme • the specific **skills** defined in the mark scheme or in the level descriptions • the **standard of response** required as exemplified by the standardisation scripts.
2	Examiners must award **whole marks** (not half marks, or other fractions).
3	Examiners must award marks **positively**. This means that: • marks are not deducted for errors or omissions • marks are awarded for correct/valid answers as defined in the mark scheme and also for **other valid answers** which go beyond the scope of the syllabus and mark scheme referring to your team leader as appropriate • the quality of spelling, punctuation and grammar are judged **only** when the mark scheme indicates that these features are **specifically assessed** in the question. However, the meaning of all responses must be unambiguous.
4	Examiners must **consistently** apply the requirements of the mark scheme and any rules for what to do when candidates have not followed instructions correctly.
5	Examiners must use the **full range of marks** defined in the mark scheme, unless limited by the quality of the candidate responses seen.
6	Examiners must award marks according to the mark scheme and **must not** award marks with grade thresholds or grade descriptions in mind.

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Social Sciences-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.

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.

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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

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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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Question	Answer	Marks
1	**Identify <u>one</u> intrinsic aid used in statutory interpretation.** **AO1** 1 mark per intrinsic aid accurately identified up to a maximum of 1 mark Any one from; • Long title • Preamble • Headings • Schedules • Marginal Notes • Interpretation sections • Rules of Language	**1**

Question	Answer	Marks
2	**Identify <u>two</u> reasons why a person might not be qualified to be appointed as a magistrate.** **AO1** 1 mark per reason accurately identified up to a maximum of 2 marks Any two from: • Some criminal convictions • Undischarged bankrupts • Members of the forces • Those whose work is incompatible with sitting as a magistrate • Police officers • Traffic wardens • Not satisfied 6 Key Qualities at interview • Age and residency requirements	**2**

Question	Answer	Marks
3	**Explain the <u>three</u> grounds in the *Bail Act 1976* that may result in a court refusing bail.** **AO1** 1 mark for naming a reason and up to 2 marks for describing the reason × 3 The accused may; • Fail to surrender to custody • Commit an offence while on bail • Interfere with witnesses or otherwise obstruct the course of justice Other grounds for refusal include: • Protection of the defendant/accused • If in custody for another offence • The accused has been charged with certain serious offences, such as murder/offences relating to Class A drugs	**6**

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Question	Answer	Marks
4	**Describe the key aspects of an adversarial legal system.** **AO1** 1 mark for naming an element and up to 3 marks for describing the element in more detail × 2 Any two from; • Used in countries with a common law system • Used in the English legal system • Advocates for both sides represent their parties' case or interest • Each side builds a case and tries to discredit the opposition • They present the case to an impartial judge or jury • Judge or jury decides the outcome after hearing both sides Credit any other relevant answers	**6**

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

Discuss the criticisms of delegated legislation.
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:

Criticisms
- Takes away law making from democratically elected House of Commons
- Allows non-elected people to make law
- Sub delegation – the law-making activity is handed down to another level.
- Much law is made by unelected civil servants
- Merely rubber stamped by the minister
- Large volume of delegated legislation makes it difficult to discover what the present law is
- Often contains obscure/technical language
- This can cause problems in interpretation by judges
- Limitations on parliamentary and judicial controls

Credit any other relevant answers

</td><td>10</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. • Soupported 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 the reforms to the civil justice system following the Woolf report.** **AO1 Knowledge and understanding** Use **Table B** to mark candidate responses to this question. AO1 out of 10 marks. **Indicative content** Responses may include: • Extending the value of small claims from the then limit of £1000 (now £10,000) • Providing a fast track for straightforward cases of moderate value (£10,000–£25,000) • Providing a multi-track for larger claims (over £100,000) • From 2023, the introduction of an intermediate track • Pre-action protocols and allocation questionnaires • Introduction of fixed recoverable costs • Encouraging the use of alternative dispute resolution • Giving judges more responsibility in managing cases • Making greater use of information technology • Simplifying documents and procedures • Having a single set of rules (Civil Procedure Rules) governing proceedings in both the High Court and County Court • Having shorter timetables for cases to reach trial • Having shorter timetables for length of trials	**10**

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Question	Answer	Marks
6(b)	**Assess the effect of the Woolf reforms.** **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;** • Promotes better co-operation between parties • Increased rates of out of court settlements • Categorisation of cases enabling them to be heard in the right courts. • Judges being more proactive in managing cases • Less delay • Streamlined process • Increased use of ADR means fewer cases reach court • Those that do may be shorter as issues may have already been settled via ADR **Disadvantages;** • Problems of cost remain • Government Consultation Paper 'Solving Disputes in the County Court 2011' • Identified the system had "not kept pace with the major economic shifts that have taken place" • Believed that system needed to focus more on dispute resolution and debt recovery • Costs are often more than the amount claimed • Delays have not really decreased Credit any reasoned conclusion	**15**

Question	Answer	Marks
7(a)	**Explain, with examples, how mediation and conciliation work as alternative methods of dispute resolution (ADR).** Use **Table B** to mark candidate responses to this question. AO1 out of 10 marks. **Indicative content** Responses may include: **Mediation** • Neutral trained mediator • Acts as a facilitator • Helps parties to reach a compromise • Can be different forms • Formalised settlement conferences • Mini Trials • Mediation Services • Centre for Dispute Resolution • West Kent mediation • Online Dispute Resolution **Conciliation** • Neutral trained person • Helps parties reach agreement • Plays a more active role than a mediator • Carried out in private • Suggests grounds for compromise • Can be face to face or individually • National Conciliation Service for the retail motor industry. • Acas • Labour Relations Agency	**10**

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Question	Answer	Marks
7(b)	**Discuss whether mediation or conciliation is the more effective method for resolving civil disputes.** **Mediation;** • Cheaper than court • Trained mediator • Mediator can give an opinion so can be an evaluative exercise • Parties are in control • Decisions in mini trials do not have to be strictly legal, can be compromise or common sense • Can be used in smaller disputes, e.g. neighbours, pre divorce • Even if case goes to court, mediation can narrow down the issues • Only works if there is a chance of co-operation • Mainly used by businesses • Can be cost involved • Not binding **Conciliation;** • Cheaper than court • Trained conciliator • Parties have some control • Can include agreements about future business • Companies who are used to negotiating most likely to benefit from this approach • Decisions can be based on compromise • Makes it easier for companies to work together in the future • Conciliator may force a resolution • May not lead to settlement • Not always binding Credit any reasoned conclusion	**15**

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Question	Answer	Marks
8(a)	**Explain how judges are trained.** **AO1 Knowledge and understanding** Use **Table B** to mark candidate responses to this question. AO1 out of 10 marks. **Indicative content** Responses may include: *Main elements.* • Knowledge of substantive law, evidence and procedure • Acquisition and improvement of judicial skills • Induction programme on first appointment • Residential course of 3-5 days • New judges at lower level assigned a mentor • Superior level judges attend an induction course for the appropriate level • For experienced judges continuing education is given • A mixture of residential, non-residential and e-learning • Includes awareness of any new legislation *Social context within which judging occurs.* • Training in human awareness • Gender, racial and disability issues • Perception of unrepresented parties, witnesses, jurors and victims • Aims to make judges aware of other people's viewpoints	**10**

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Question	Answer	Marks
8(b)	**Assess whether judges can be said to be independent of political bias.** **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: • Judges are separate from the Legislature and the Executive • Much dispute here • Professor Griffith claims that judges tend to be pro-establishment. • Politically conservative (with small 'c') • Do receive training to try to prevent this • Judicial review can allow judges to challenge government • Judges supported challenges to government decisions, *R v Secretary of State for Foreign Affairs [1995], R v Home Secretary, ex parte Fire Brigades Union [1995].* • Human rights cases here judges upheld challenges to government decisions • *H v Mental Health Review Tribunal [2001].* • Gina Miller challenges re Brexit, *R (on the application of Miller) v The Prime Minister [2019]* • Other decisions against the government – *A and Another v The Secretary of State for the Home Department [2004]* • Pro-government decisions – *Council of Civil Service Unions v Minister for the Civil Service [1984], AG v Guardian Newspapers Ltd [1987]* Credit any reasoned conclusion	**15**

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