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CAMBRIDGE
International Education

Cambridge International AS & A Level

LAW **9084/13**

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.

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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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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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Question	Answer	Marks
1	**Identify the case which allows the Court of Appeal to depart from its own previous decisions.** • *Young v Bristol Aeroplane Co. Ltd [1944]* **AO1** 1 mark for correctly identifying the case. **[1 mark]**	**1**

Question	Answer	Marks
2	**Identify <u>two</u> criminal offences.** Any two from; • Theft • Murder • Burglary • Robbery • Fraud • Manslaughter Credit any other relevant answers **AO1** 1 mark per example accurately identified up to a maximum of 2 marks **[2 marks]**	**2**

Question	Answer	Marks
3	**Explain <u>two</u> reasons why the Lord Chancellor might dismiss an inferior judge.** • Incapacity • Misbehaviour **AO1** 1 mark for naming a reason and up to 2 marks for describing the reason ×2 **[6 marks]**	**6**

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Question	Answer	Marks
4	**Describe the role of the Law Society and The General Council of the Bar.** **The Law Society** Any three from; • All practising solicitors must be members • Governing body for solicitors • Supports and promotes solicitors • Protect everyone's right to justice • Leads the debate on issues involving solicitors • Speaks to the government on a range of legal issues • Influences policy and legislation **The General Council of the Bar** Any three from; • Represents Barristers. • Promotes specialist advisory services. • Represents the interests of the Bar. • Makes the opinions of the bar on issues such as legal aid payment rates. • Promotes fair access to justice for all. • Promotes the development of business opportunities for barristers. Credit any other relevant answers **AO1** 1 mark for each role described up to 3 for The Law Society and 3 for The General Council of the Bar **[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 advantages of using the small claims procedure in the County Court.

AO2 Analysis and application and AO3 Evaluation
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:
• Cost of issuing a claim is low
• The loser does not need to pay the other person’s legal costs
• Claimants do not have to use lawyers but are encouraged to represent themselves
• Simpler and quicker than other tracks
• District judge can help parties explain their case
• Can be a ‘paper’ trial
</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 case 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 how the literal and golden rules are used by judges in statutory interpretation.** **AO1 Knowledge and understanding** Use Table B to mark candidate responses to this question. AO1 out of 10 marks. **Indicative content** Responses may include: Literal Rule; • Developed in 19th century • Main rule applied • Judge gives words their ordinary plain dictionary definition even if result is not sensible – Lord Esher in *R v Judge of the City of London Court [1892]* Golden Rule; • Modification of the Literal Rule • Starts by looking at literal meaning • Judge is allowed to avoid an interpretation which leads to an absurd result • Narrow Application – if there are two meanings to a word, the judge may choose between them • Wider application – if the literal interpretation would lead to a repugnant result the judge can modify the words	**10**

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Question	Answer	Marks
6(b)	**Discuss the advantages and disadvantages of both the literal and golden rules.** **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: **Literal Rule** Advantages; • Follows the words parliament has used • Prevents unelected judges making law • Makes the law more certain • Easier for public to know what the law is and how it will be interpreted Disadvantages; • Assumes all acts well drafted, *Dangerous Dogs Act 1991.* • When drafted not always possible to predict every situation intended by Parliament, *Whiteley v Chappell [1868].* • Words may have more than one meaning • Can lead to unfair decisions, *London & North Eastern Railway Co v Berriman [1946], Fisher v Bell [1961]* **Golden Rule** Advantages; • Respects the actual words of Parliament • Allows the judge to choose the most sensible meaning*, R v Allen [1872]* • Prevents repugnant situations, *Re Sigsworth [1935]* Disadvantages; • Very limited in use • Only used on rare occasions • Not possible to predict when it might be used • A ‘feeble parachute’ Zander	**15**
	AO2	8
	AO3	7

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Question	Answer	Marks
7(a)	**Explain the effects of the *Legislative and Regulatory Reform Act 2006* on delegated legislation.** **AO1 Knowledge and understanding** Use Table B to mark candidate responses to this question. AO1 out of 10 marks. **Indicative content** Responses may include: • Gives ministers wide additional powers to create delegated legislation (DL). • Can create DL if it will remove or reduce a 'burden'. • 'Burden' can include financial cost, administrative inconvenience, obstacles to efficiency, productivity or profitability, a sanction which affects the carrying out of any lawful activity. • Ministers making such provisions must consult various people/organisations. • These include organisations representative of interests substantially affected by the proposals, the Welsh Assembly, and the Law Commission. • Orders made must be laid before Parliament to be considered by a procedure. • These can be negative resolution, affirmative resolution or super-affirmative resolution. • Minister must have regard to any representations made, any resolution of either House of Parliament or any recommendation by a parliamentary committee. • This gives parliament more control over any DL made under this act.	**10**

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Question	Answer	Marks
7(b)	**Discuss whether the parliamentary controls on delegated legislation are adequate.** **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: • ***Parliament can repeal any parent act.*** • But the law will still have to be made. • ***Pre-drafting consultation.*** • May be ignored, minister is not obliged to take views into account. • ***Delegated Powers Scrutiny Committee in the House of Lords*** • Reports its findings to HL but has no power to amend bills. • ***Controls in*** *Legislative and Regulatory Reform Act 2006.* • Quite extensive. • ***Joint Select Committee on Statutory Instruments.*** • Reviews all SI. • Can draw attention to Parliament if there are issues • But no powers to alter any SI. • ***Affirmative resolution.*** • Requires approval by parliament – e.g. changes to police Codes of Practice. • But parliament cannot amend SI. • ***Negative resolution.*** • Becomes law if not rejected within 40 days. • Problem is that very few SI are looked at in Parliament. • ***Questioning by ministers in Parliament.*** • Can bring issues to public attention.	**15**
	AO2	8
	AO3	7

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Question	Answer	Marks
8(a)	**Explain the rules set out in the *Police and Criminal Evidence Act 1984* regarding the treatment of suspects detained at the police station.** **AO1 Knowledge and understanding** Use Table B to mark candidate responses to this question. AO1 out of 10 marks. **Indicative content** Responses may include: • Legal Advice Code C • Being able to consult codes of practice • Have someone informed of arrest s56 PACE • Searches s54 and 55 PACE • Strip searches Code C • Intimate Searches s62 PACE • Intimate Samples • Fingerprints s61 PACE • Interviews Code C • Appropriate adult • Role of custody officer Code C • s76 PACE – confessions obtained using oppression	**10**

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Question	Answer	Marks
8(b)	**Assess whether these rules provide adequate protection to those in police custody.** **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: • **Legal Advice Code C** – prevents unfair questioning *R v Samuel [1988], R v Grant [2005],* if abused may lead to evidence not being used in court. • **Solicitor present at interview**. *R v Halliwell [2012]* • **Being able to consult codes of practice** – tells those in custody of their rights and how they are protected • **Have someone informed of arrest s56 PACE** – prevents individuals disappearing into the system, but may sometimes be denied • **Searches s54 and 55 PACE** – needed in some cases to establish evidence e.g. drugs, urine, etc. • **Strip searches Code C** – only if needed but rules in place to protect suspect, only if necessary, private place, officer of same sex • **Intimate Searches s62 PACE** – must be done by medical professional and authorised by high-ranking police officer – protects the suspect from misuse. • **Intimate Samples** – samples, dental impressions swabs – needed to collect evidence but must be taken by medical professional to protect suspect. • **Fingerprints s61 PACE** – to gather evidence – may be by force but not routinely • **Interviews s60 and s60A PACE, Code E, Code F –** appropriate interview rooms, recordings to protect suspect from inappropriate questioning techniques, cautions • **Appropriate adult.** *R v Aspinall [1999],* protects vulnerable suspects • **Role of custody officer Code C, s76 PACE –** ensures care of suspects by seeing that PACE and Code rules applied • **Section 78 PACE –** Breach of any rules may lead to evidence being excluded	**15**
	AO2	8
	AO3	7

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