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Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/22**

Paper 2 Data Response **October/November 2022**

1 hour 30 minutes

2797187208

You must answer on the enclosed answer booklet.

You will need: Answer booklet (enclosed)

INSTRUCTIONS

- Answer **one** question.
- Follow the instructions on the front cover of the answer booklet. If you need additional answer paper, ask the invigilator for a continuation booklet.

INFORMATION

- The total mark for this paper is 50.
- The number of marks for each question or part question is shown in brackets [ ].

This document has **8** pages. Any blank pages are indicated.

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Answer **either** Question 1 **or** Question 2.

You should make appropriate reference to the source material supplied for each question.

1 **(a)** Amanda and Betty are driving their cars when they crash into each other. They blame each other for the crash and a date is set for a small claims hearing. They are told to bring to the hearing any photographs they have of the crash and details of any costs. The case is heard by a Circuit Judge sitting in open court. Betty brings a photograph of her damaged car, an invoice for £1000 for its repair and a car hire invoice for £500 so she could get to work. Amanda brings a photograph showing a few scratches on her car which she says a friend can fix for free. After listening to both sides the judge decides in Betty's favour because Amanda was at fault for the crash.

Explain how Practice Direction 27 will apply in this situation. [10]

(b) Dieter makes a written contract with Jason to build a wall for £2000. A month after the wall has been completed and paid for, it collapses. Dieter contacts Ralph, an expert builder, who says the wall collapsed because the wrong type of cement was used and that it will cost £500 to rebuild. Jason refuses to rebuild the wall or pay compensation, so Dieter starts a small claims case. On the day of the hearing, Dieter brings with him the written contract, a photograph of the wall, the receipt for the money he paid Jason and Ralph's estimate to fix the damage. Ralph is with Dieter to present the case for him. Before the hearing starts, the district judge is informed that Jason has been taken to hospital. The district judge adjourns the hearing for two weeks.

Explain how Practice Direction 27 will apply in this situation. [10]

(c) Hector and Ingrid have been involved in a road traffic incident. One witness says Hector was driving too quickly but another says Ingrid drove her car out of a junction without stopping and it crashed into Hector's car. A small claims hearing takes place. Both parties are represented by solicitors and the witnesses attend the hearing. The district judge asks questions of Hector, Ingrid and the two witnesses before either solicitor is allowed to speak. The district judge tells each solicitor they have five minutes to cross-examine any witness. The whole hearing is recorded. The district judge gives his judgment two days later in writing.

Explain how Practice Direction 27 will apply in this situation. [10]

(d) Describe the work of the civil courts which hear cases at first instance. Evaluate the effectiveness of the reforms to the civil justice system introduced since the Woolf Report in 1996. [20]

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Source material for Question 1

Practice Directions 27 – The Small Claims Track (adapted)

Judges

1 The functions of the court will generally be carried out by a district judge but may be carried out by a Circuit Judge.

Case management directions

2.1 …

2.2 Appendix A sets out details of the case that the court usually needs in the type of case described.

Representation at a hearing

3.1 In this paragraph:

(1) a lawyer means a barrister, a solicitor or a legal executive and

(2) a lay representative means any other person.

3.2

(1) A party may present his own case at a hearing or a lawyer or lay representative may present it for him.

Small claim hearing

4.2 A hearing that takes place at the court will generally be in the judge's room but it may take place in a courtroom.

4.3 The court may adopt any method of proceeding that it considers to be fair and to limit cross-examination. The judge may in particular:

(1) ask questions of any witness himself before allowing any other person to do so,

(2) ask questions of all or any of the witnesses himself before allowing any other person to ask questions of any witnesses,

(3) refuse to allow cross-examination of any witness until all the witnesses have given evidence in chief,

(4) limit cross-examination of a witness to a fixed time or to a particular subject or issue, or both.

Recording evidence and the giving of reasons

5.1 A hearing that takes place at the court will be tape recorded by the court. A party may obtain a transcript of such a recording on payment of the proper transcriber's charges.

5.3

(1) The judge may give reasons for his judgment as briefly and simply as the nature of the case allows.

(2) He will normally do so orally at the hearing, but he may give them later at a hearing either orally or in writing.

Non-attendance of a party at a hearing

6.2 Nothing in those provisions affects the general power of the court to adjourn a hearing, for example where a party who wishes to attend a hearing on the date fixed cannot do so for a good reason.

Appendix A appears on page 4.

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Appendix A: Information and documentation the court usually needs in particular types of cases

Road Accident cases (where the information or documentation is available)

- witness statements (including statements from the parties themselves);
- invoices and estimates for repairs;
- agreements and invoices for any car hire costs;
- photographs of the scene of the accident and of the damage.

Building disputes, repairs, goods sold and similar contractual claims (where the information or documentation is available)

- any written contract;
- photographs;
- a list of works complained of;
- any relevant estimate, invoice or receipt including any relating to repairs to each of the defects;
- invoices for work done or goods supplied;

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2 **(a)** Rebecca is cycling to the shops along a busy road, as she does every week. Her four-year-old daughter, Jessica, travels with her on a specially constructed seat fitted to the bicycle. Rebecca has a bag of shopping on the front of the bicycle and Jessica is holding a bag of shopping. Rebecca loses her balance. She and Jessica fall off the bicycle and the shopping falls onto the road. The driver of a car travelling in the opposite direction loses control when trying to avoid them and the shopping. The car hits a tree, injuring the driver and damaging the car.

Explain how the Road Traffic Act 1988 will apply in this situation. [10]

(b) Wilhelm, a local businessman, promotes a bicycle race on the roads round his local town to raise money for charity. He plans separate races for men, women and children under 14 years old. Wilhelm shows the planned route to the local chief officer of police who tells him it must be changed because it uses some very dangerous and busy roads. Wilhelm wants to keep his original route as it is more exciting and he submits this to the Secretary of State, who approves it.

Explain how the Road Traffic Act 1988 will apply in this situation. [10]

(c) Sasha is riding his bicycle along a footpath with his friend Yuri balanced on the front. When the footpath ends Sasha keeps riding along the road with Yuri still on the front of the bicycle. They are passed by Sasha's 13-year-old sister, Anya, who is riding an electrically assisted pedal cycle which she has taken from her grandfather's shed without permission. All three are stopped by a police officer.

Explain how the Road Traffic Act 1988 will apply in this situation. [10]

(d) Describe the literal and purposive approaches to statutory interpretation using case examples. Assess the effectiveness of these approaches. [20]

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Source material for Question 2

Road Traffic Act 1988 (adapted)

Section 24 Restriction of carriage of persons on bicycles.

(1) Not more than one person may be carried on a road on a bicycle not propelled by mechanical power unless it is constructed or adapted for the carriage of more than one person.

(2) In this section—
   (a) references to a person carried on a bicycle include references to a person riding the bicycle, and
   (b) "road" includes bridleway.

(3) If a person is carried on a bicycle in contravention of subsection (1) above, each of the persons carried is guilty of an offence.

Section 28 Dangerous cycling.

(1) A person who rides a cycle on a road dangerously is guilty of an offence.

(2) For the purposes of subsection (1) above a person is to be regarded as riding dangerously if (and only if)—
   (a) the way he rides falls far below what would be expected of a competent and careful cyclist, and
   (b) it would be obvious to a competent and careful cyclist that riding in that way would be dangerous.

(3) In subsection (2) above "dangerous" refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of that subsection what would be obvious to a competent and careful cyclist in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

Section 31 Regulation of cycle racing on public ways.

(1) A person who promotes or takes part in a race or trial of speed on a public way between cycles is guilty of an offence, unless the race or trial—
   (a) is authorised, and
   (b) is conducted in accordance with any conditions imposed,
   by or under regulations under this section.

(2) The Secretary of State may by regulations authorise, or provide for authorising, for the purposes of subsection (1) above, the holding on a public way other than a bridleway—
   (a) of races or trials of speed of any class or description, or
   (b) of a particular race or trial of speed,
   in such cases as may be prescribed and subject to such conditions as may be imposed by or under the regulations.

(3) …

(4) The chief officer of police may give directions with respect to the movement of, or the route to be followed by, vehicular traffic during any period, being directions which it is necessary or expedient to give in relation to that period to prevent or mitigate—
   (a) congestion or obstruction of traffic, or
   (b) danger to or from traffic,
   in consequence of the holding of a race or trial of speed authorised by or under regulations under this section.

Section 32 appears on page 7.

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Section 32 Electrically assisted pedal cycles.

(1) An electrically assisted pedal cycle shall not be driven on a road by a person under the age of fourteen.

(2) A person who—

(a) drives such a pedal cycle, or

(b) knowing or suspecting that another person is under the age of fourteen, causes or permits him to drive such a pedal cycle,

in contravention of subsection (1) above is guilty of an offence.

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