Cambridge International AS & A Level

Cambridge International Examinations
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/21**

Paper 2 Data Response **May/June 2015**

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper



READ THESE INSTRUCTIONS FIRST

If you have been given an Answer Booklet, follow the instructions on the front cover of the Booklet.
Write your Centre number, candidate number and name on all the work you hand in.
Write in dark blue or black pen.
Do not use staples, paper clips, glue or correction fluid.

Answer **one** question.

At the end of the examination, fasten all your work securely together.
The number of marks is given in brackets [ ] at the end of each question or part question.

This document consists of **5** printed pages and **3** blank pages.

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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 At Midtown Crown Court Kenneth is the defendant in a murder trial. The following people have been called to be jurors because they are on the electoral roll:

Khalid, aged 60, came to live in Birmingham 40 years ago. He was given a five year sentence for robbery when he was 25 but has been a law-abiding citizen ever since. Khalid has never managed to speak English very well and he relies on his son to communicate with people on his behalf.

Yasmin, aged 30, comes from London. She is completely deaf but is keen to serve as a juror.

Nicole, aged 22, was born in Germany but has lived in the Isle of Man all the time since she was 12 years old. She is a medical student in the third year of her course.

(a) Consider whether Khalid can serve as a juror. [10]

(b) Consider whether Yasmin can serve as a juror. [10]

(c) Consider whether Nicole can serve as a juror. [10]

(d) Describe the role of the jury in the Crown Court and the factors which may affect the selection of those who are qualified to sit on a jury. Discuss the advantages and disadvantages of using juries in criminal cases. [20]

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Source Material

Juries Act 1974

Section 1 Qualification for jury service

Subject to the provisions of this Act, every person shall be qualified to serve as a juror in the Crown Court, the High Court and county courts and be liable accordingly to attend for jury service when summoned under this Act, if—

(a) he is for the time being registered as a parliamentary or local government elector and is not less than eighteen nor more than seventy years of age; and

(b) he has been ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man for any period of at least five years since attaining the age of thirteen,

but not if he is for the time being ineligible or disqualified for jury service; and the persons who are ineligible, and those who are disqualified, are those respectively listed in Parts I and II of Schedule 1 to this Act.

Section 10 Discharge of summonses in case of doubt as to capacity to act effectively as a juror

Where it appears to the appropriate officer, in the case of a person attending in pursuance of a summons under this Act, that on account of insufficient understanding of English there is doubt as to his capacity to act effectively as a juror, the person may be brought before the judge, who shall determine whether or not he should act as a juror and, if not, shall discharge the summons; and for this purpose "the judge" means any judge of the High Court or any Circuit judge or Recorder.

Schedule 1 Ineligibility and disqualification for and excusal from jury service

Part III: Persons excusable as of right

Medical and other similar professions

The following, if actually practising their profession and registered (including provisionally or temporarily registered), enrolled or certified under the enactments relating to that profession—

Medical practitioners, dentists, nurses, midwives, veterinary surgeons and veterinary practitioners, pharmaceutical chemists.

Juries (Disqualification) Act 1984

Section 1 Disqualification for jury service of persons who have served or had imposed on them certain sentences

(1) A person who at any time in the last ten years has, in the United Kingdom or the Channel Islands or the Isle of Man—

(a) served any part of a sentence of imprisonment, youth custody or detention

Re Tourman Osman (Practice Note) (1995)

O received a summons for jury service. He was severely deaf and needed the services of a sign language interpreter. The judge held it was an incurable irregularity for an independent person, such as an interpreter, to retire with the jury, even though he may take no part in the discussion, so O was discharged.

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2 Chen runs a factory where wool is dyed and then made into carpets.

(a) Lily's job is to dye the wool. The chemical dyes contain a mild acid to clean the wool and are kept in an unlocked cupboard. Lily is given gloves to wear but they are so big she has to take them off to handle the dye. Lily is told to wear a new disposable face-mask every day. Despite repeated requests Lily has not been given a new face-mask or gloves that fit. Lily develops a severe skin rash and breathing problems.

Explain how the Health and Safety at Work Act will help Lily if she brings an action against Chen. [10]

(b) Wang is a new employee whose job is to operate a weaving machine. Chen tells Wang to read the instructions on the machine and to make sure that it never stops running. There is a label on the machine which says it was last serviced two years ago. The machine starts to make a strange noise and then stops. In order to restart the machine Wang stands on an old chair which collapses and he cuts his leg badly.

Explain how the Health and Safety at Work Act will help Wang if he brings an action against Chen. [10]

(c) Chen wrote a Health and Safety policy a year ago and she emailed the policy to those employees who had email addresses. Recently she bought some new machinery and she has changed some safety procedures. She emails her employees to say that a new policy is on its way but is not finished.

Explain whether or not Chen has complied with the Health and Safety at Work Act in respect of the policy. [10]

(d) Describe how the above situations might be resolved by using alternative methods of dispute resolution. Discuss the effectiveness of these different methods. [20]

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Health and Safety at Work Act 1974

Section 2 General duties of employers to their employees

(1) It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.

(2) Without prejudice to the generality of an employer's duty under the preceding subsection, the matters to which that duty extends include in particular—
   (a) the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;
   (b) arrangements for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
   (c) the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees;
   (d) so far as is reasonably practicable as regards any place of work under the employer's control, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks;
   (e) the provision and maintenance of a working environment for his employees that is, so far as is reasonably practicable, safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work.

(3) Except in such cases as may be prescribed, it shall be the duty of every employer to prepare and as often as may be appropriate revise a written statement of his general policy with respect to the health and safety at work of his employees and the organisation and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of all of his employees.

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