Cambridge International AS & A Level

Cambridge International Examinations
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/23**

Paper 2 Data Response **May/June 2017**

1 hour 30 minutes

No Additional Materials are required.

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READ THESE INSTRUCTIONS FIRST

An answer booklet is provided inside this question paper. You should follow the instructions on the front cover of the answer booklet. If you need additional answer paper ask the invigilator for a continuation booklet.

Answer **one** question.

The number of marks is given in brackets [ ] at the end of each question or part question.

This document consists of **5** printed pages, **3** blank pages and **1** Insert.

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[Turn over

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

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

1 **(a)** It is five years since the last election on 7 May 2015. The Prime Minister believes that 20 June 2020, a Wednesday, is a lucky day for him and will give him the best chance of winning the next election. A Statutory Instrument is laid before Parliament for the proposed election date and is awaiting approval. The Prime Minister does not give a reason for his choice of date.

Explain how the Fixed-term Parliaments Act 2011 will apply in this situation. [10]

(b) A government was elected on 7 May 2015 and the Prime Minister intends to hold the next election on the first Thursday in May 2020. The Prime Minister has some new laws she still wants to pass and so she plans to keep Parliament working until 14 days before the election. This would mean that they pass the last law on a Friday evening and Parliament would be dissolved the next day.

Explain how the Fixed-term Parliaments Act 2011 will apply in this situation. [10]

(c) After an election on 7 May 2015 there is a government made up of several parties. Four years later the government is unable to function any more and the 650 members of the House of Commons pass a motion for debate, 'This house believes we need a new government'. One third of the members vote in favour of the motion.

Explain how the Fixed-term Parliaments Act 2011 will apply in this situation. [10]

(d) Describe the different types of delegated legislation and critically evaluate the effectiveness of control methods on this type of law making. [20]

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Source material for Question 1

Fixed-term Parliaments Act 2011

Section 1 Polling days for parliamentary general elections

…

(2) The polling day for the next parliamentary general election after the passing of this Act is to be 7 May 2015.

(3) The polling day for each subsequent parliamentary general election is to be the first Thursday in May in the fifth calendar year following that in which the polling day for the previous parliamentary general election fell.

…

(5) The Prime Minister may by order made by Statutory Instrument provide that the polling day for a parliamentary general election in a specified calendar year is to be later than the day determined under subsection (2) or (3), but not more than two months later.

(6) A Statutory Instrument containing an order under subsection (5) may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.

(7) The draft laid before Parliament must be accompanied by a statement setting out the Prime Minister's reasons for proposing the change in the polling day.

Section 2 Early parliamentary general elections

(1) An early parliamentary general election is to take place if—
  (a) the House of Commons passes a motion in the form set out in subsection (2), and
  (b) if the motion is passed on a division, the number of members who vote in favour of the motion is a number equal to or greater than two thirds of the number of seats in the House (including vacant seats).

(2) The form of motion for the purposes of subsection (1)(a) is—

"That there shall be an early parliamentary general election."

Section 3 Dissolution of Parliament

(1) The Parliament then in existence dissolves at the beginning of the 25th working day before the polling day for the next parliamentary general election as determined under section 1 …

(2) Parliament cannot otherwise be dissolved.

…

(5) In this section "working day" means any day other than—
  (a) a Saturday or Sunday;
  …
  (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom;
  (d) a day appointed for public thanksgiving or mourning.

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2 **(a)** Christine is the only witness to a gang murder. A member of the gang has threatened to hurt Christine badly if she gives evidence at the trial. Christine says she will only give evidence if the court does not know who she is and she does not have to go into the court room.

Explain how the Coroners and Justice Act 2009 will apply to Christine. [10]

(b) Piotr is a police officer who served in a specialist unit where it was his job to be part of a suspected criminal group so that he could monitor their activities. He discovered a plan for a crime and the group were arrested. Piotr wants to give evidence under another name and have his voice changed because he believes that he and his family are in danger.

Explain how the Coroners and Justice Act 2009 will apply to Piotr. [10]

(c) Anya's friend, Jacquetta, has been accused of killing her own daughter. Jacquetta suffers from depression and she confessed to the killing. However, Anya saw Jacquetta's husband, a powerful businessman, commit the crime. Anya is scared of Jacquetta's husband but she is worried her friend will be wrongly convicted.

Explain how the Coroners and Justice Act 2009 will apply to Anya. [10]

(d) Describe and evaluate the role of the jury in criminal cases. [20]

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Source material for Question 2

Coroners and Justice Act 2009

Section 86 Witness anonymity orders

…

(2) The kinds of measures that may be required to be taken in relation to a witness include measures for securing one or more of the following—
  (a) that the witness's name and other identifying details may be withheld;
  (b) that the witness may use a pseudonym (a name which is not their real name);
  (c) that the witness is not asked questions of any specified description that might lead to the identification of the witness;
  (d) that the witness is screened to any specified extent;
  (e) that the witness's voice is subjected to modulation to any specified extent.

…

(4) Nothing in this section authorises the court to require—
  (a) the witness to be screened to such an extent that the witness cannot be seen by—
    (i) the judge or other members of the court (if any);
    (ii) the jury (if there is one); or
    (iii) any interpreter or other person appointed by the court to assist the witness;
  (b) the witness's voice to be modulated to such an extent that the witness's natural voice cannot be heard by any persons within paragraph (a)(i) to (iii).

Section 88 Conditions for making order

…

(2) The court may make such an order only if it is satisfied that Conditions A to C below are met.

(3) Condition A is that the measures to be specified in the order are necessary—
  (a) in order to protect the safety of the witness or another person or to prevent any serious damage to property, or
  (b) in order to prevent real harm to the public interest (whether affecting the carrying on of any activities in the public interest or the safety of a person involved in carrying on such activities, or otherwise).

(4) Condition B is that, having regard to all the circumstances, the taking of those measures would be consistent with the defendant receiving a fair trial.

(5) Condition C is that it is necessary to make the order in the interests of justice by reason of the fact that it appears to the court that—
  (a) it is important that the witness should testify, and
  (b) the witness would not testify if the order were not made.

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