Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/21**

Paper 2 Data Response **May/June 2021**

1 hour 30 minutes

4403806991

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.

© UCLES 2021

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

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

1 **(a)** Carlos knows that his friend, Andreas, would like to own a motorbike but cannot afford to buy one. One day Andreas arrives at Carlos's house on an expensive new motorbike. Andreas says it has been loaned to him by his boss. In fact Andreas has taken the motorbike without his boss's permission. Andreas invites Carlos to go for a ride and he accepts. At his trial for theft, Andreas argues that he often heard his boss joking about employees wanting to ride his motorbike and so he really thought his boss would not mind him taking it.

Explain how the Theft Act 1968 will apply to both Andreas and Carlos in this situation. [10]

(b) Natalie breaks into premises, belonging to Brian, to steal a car. Unknown to Natalie, she sets off a burglar alarm linked to the local police station. As she hears police sirens approaching Natalie drives the car away from the premises. She is driving on the wrong side of the road when she loses control, crashing into a house and damaging both the house and the car. Natalie is arrested and she gives the name of her identical twin sister, Roberta, who is on holiday in the United States. Roberta is prosecuted but at her trial she is able to show she was not in the country on the date of the offence.

Explain how the Theft Act 1968 will apply to both Natalie and Roberta in this situation. [10]

(c) Bob and his friend, Tom, are both in debt. They go to the home of Bob's father to ask if he will lend them some money. Bob's father refuses to lend any money so Bob and Tom break into his garage to see if there is anything they can steal and sell. Tom sees a very expensive pedal cycle and rides home on it. Bob finds the key to his father's car and drives it away from the house at speed. He is going so fast he crashes into a man, injuring him badly.

Explain how the Theft Act 1968 will apply to both Bob and Tom in this situation. [10]

(d) Describe the factors considered when hearing an application for bail and the conditions which may be imposed. Assess the effectiveness of these factors and conditions in the bail process. [20]

© UCLES 2021

Source material for Question 1

Theft Act 1968

Section 12 Taking motor vehicle or other conveyance without authority.

(1) Subject to subsections (5) and (6) below, a person shall be guilty of an offence if, without having the consent of the owner or other lawful authority, he takes any conveyance for his own or another's use or, knowing that any conveyance has been taken without such authority, drives it or allows himself to be carried in or on it.

…

(5) Subsection (1) above shall not apply in relation to pedal cycles; but, subject to subsection (6) below, a person who, without having the consent of the owner or other lawful authority, takes a pedal cycle for his own or another's use, or rides a pedal cycle knowing it to have been taken without such authority, shall on summary conviction be liable to a fine not exceeding level 3 on the standard scale.

(6) A person does not commit an offence under this section by anything done in the belief that he has lawful authority to do it or that he would have the owner's consent if the owner knew of his doing it and the circumstances of it.

(7) For purposes of this section—

(a) "conveyance" means any conveyance constructed or adapted for the carriage of a person or persons whether by land, water or air, except that it does not include a conveyance constructed or adapted for use only under the control of a person not carried in or on it, and "drive" shall be construed accordingly;

…

Section 12A Aggravated vehicle-taking.

(1) Subject to subsection (3) below, a person is guilty of aggravated taking of a vehicle if—

(a) he commits an offence under section 12(1) above (in this section referred to as a "basic offence") in relation to a mechanically propelled vehicle; and

(b) it is proved that, at any time after the vehicle was unlawfully taken (whether by him or another) and before it was recovered, the vehicle was driven, or injury or damage was caused, in one or more of the circumstances set out in paragraphs (a) to (d) of subsection (2) below.

(2) The circumstances referred to in subsection (1)(b) above are—

(a) that the vehicle was driven dangerously on a road or other public place;

(b) that, owing to the driving of the vehicle, an accident occurred by which injury was caused to any person;

(c) that, owing to the driving of the vehicle, an accident occurred by which damage was caused to any property, other than the vehicle;

(d) that damage was caused to the vehicle.

(3) A person is not guilty of an offence under this section if he proves that, as regards any such proven driving, injury or damage as is referred to in subsection (1)(b) above, either—

(a) the driving, accident or damage referred to in subsection (2) above occurred before he committed the basic offence; or

(b) he was neither in nor on nor in the immediate vicinity of the vehicle when that driving, accident or damage occurred.

…

(7) For the purposes of this section a vehicle is driven dangerously if—

(a) it is driven in a way which falls far below what would be expected of a competent and careful driver; and

(b) it would be obvious to a competent and careful driver that driving the vehicle in that way would be dangerous.

…

© UCLES 2021

2 **(a)** Khalid buys a second hand car. He fits four red lights to the front and a flashing amber light to the rear. He is questioned by police at 03:00 when he is sitting in his parked car on a road with all the lights on. They notice that his rear registration plate light is broken.

Explain how the Road Vehicles Lighting Regulations 1989 will apply to Khalid. [10]

(b) Francesca runs a business transporting children to and from school by bus. In July 2019 she buys and starts to use a brand new bus. On the front of the bus is a red and white chequered domed lamp which flashes when the bus is stationary to warn drivers that children are nearby. The bus has a rear light which indicates the route it is taking. Francesca attaches an advertising sign for her business to the rear of the bus. She is stopped by the police when she is driving to collect children at 15:00 on a very foggy day as the advertising sign has slipped and is covering her rear registration plate light.

Explain how the Road Vehicles Lighting Regulations 1989 will apply to Francesca. [10]

(c) Police Constable (PC) Smith is working undercover and she is on duty in her unmarked emergency police car. The car has flashing headlamps and a blue warning beacon fitted to the roof. The car also has front and rear flashing signs which say 'Police'. PC Smith is chasing a suspect at speed at 23:00 with all the lights on her car clearly lit. She is stopped by another police car as the officers do not know PC Smith is working undercover.

Explain how the Road Vehicles Lighting Regulations 1989 will apply to PC Smith. [10]

(d) Describe the types of delegated legislation, using examples of each type in your answer. Assess the effectiveness of these types of delegated legislation. [20]

© UCLES 2021

Source material for Question 2

The Road Vehicles Lighting Regulations 1989

Regulation 11 – Colour of light shown by lamps and reflectors

(1) No vehicle shall be fitted with a lamp which is capable of showing a red light to the front, except–
  (a) a red and white chequered domed lamp, or a red and white segmented mast-mounted warning beacon, fitted to a fire service control vehicle and intended for use at the scene of an emergency; or
  (b) a side marker lamp or a side retro reflector. …

(2) No vehicle shall be fitted with a lamp which is capable of showing any light to the rear, other than a red light, except–
  (a) amber light from a direction indicator or side marker lamp;
  (b) white light from a reversing lamp; …
  (e) light from an illuminated rear registration plate; …
  (g) in the case of a bus, light for the purposes of illuminating a route indicator; …
  (i) white light from a red and white chequered domed lamp, or a red and white segmented mast-mounted warning beacon, fitted to a fire service control vehicle and intended for use at the scene of an emergency; …
  (k) blue light from a warning beacon or rear special warning lamp fitted to an emergency vehicle, or from any device fitted to a vehicle used for police purposes;
  (l) amber light from a warning beacon fitted to–
    (i) a road clearance vehicle;
    (ii) a vehicle constructed or adapted for the purpose of collecting refuse;
    (iii) a breakdown vehicle;

…

Regulation 13 – Lamps to show a steady light

(1) Save as provided in paragraph (2), no vehicle shall be fitted with a lamp which automatically emits a flashing light.

(2) Paragraph (1) does not apply in respect of–
  (a) a direction indicator;
  (b) a headlamp fitted to an emergency vehicle; …
  (d) a lamp or illuminated sign fitted to a vehicle used for police purposes. …

Regulation 16 – Restrictions on fitting blue warning beacons, special warning lamps and similar devices

No vehicle, other than an emergency vehicle, shall be fitted with–
  (a) a blue warning beacon or special warning lamp, or
  (b) a device which resembles a blue warning beacon or a special warning lamp, whether the same is in working order or not.

Regulation 24 – Requirements about the use of front and rear position lamps, rear registration plate lamps, side marker lamps and end-outline marker lamps

(1) No person shall–
  (a) use, or cause or permit to be used, on a road any vehicle which is in motion–
    (i) between sunset and sunrise, or
    (ii) in seriously reduced visibility between sunrise and sunset; or
  (b) allow to remain at rest, or cause or permit to be allowed to remain at rest, on a road any vehicle between sunset and sunrise

  unless every front position lamp, rear position lamp, rear registration plate lamp, side marker lamp and end-outline marker lamp with which the vehicle is required by these Regulations to be fitted is kept lit and unobscured. …

© UCLES 2021

BLANK PAGE

BLANK PAGE

© UCLES 2021

BLANK PAGE

Permission to reproduce items where third-party owned material protected by copyright is included has been sought and cleared where possible. Every reasonable effort has been made by the publisher (UCLES) to trace copyright holders, but if any items requiring clearance have unwittingly been included, the publisher will be pleased to make amends at the earliest possible opportunity.

To avoid the issue of disclosure of answer-related information to candidates, all copyright acknowledgements are reproduced online in the Cambridge Assessment International Education Copyright Acknowledgements Booklet. This is produced for each series of examinations and is freely available to download at www.cambridgeinternational.org after the live examination series.

Cambridge Assessment International Education is part of the Cambridge Assessment Group. Cambridge Assessment is the brand name of the University of Cambridge Local Examinations Syndicate (UCLES), which itself is a department of the University of Cambridge.

© UCLES 2021