Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/22**

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

1 hour 30 minutes

5925821840

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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[Turn over

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

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

1 **(a)** Archie plans to kidnap a famous celebrity who lives in a house near London. On 1 August 2018 Archie hides in bushes opposite the house. He shines a laser beam at a car as it leaves the house. The car driver is dazzled and crashes into a wall. The celebrity is not in the car. Archie is arrested at the scene and the laser is found in his possession. At his trial for a summary offence, Archie says that he is a photographer and was preparing to take pictures of the celebrity.

Explain how the Laser Misuse (Vehicles) Act 2018 will apply in this situation. [10]

(b) Gina, an animal rights campaigner, is arrested by police on 11 July 2018 for shining a laser beam at the air traffic control tower of an airfield close to her home in Wales. She wants to stop an aircraft transporting zoo animals from taking off. Unknown to Gina, the control tower is fitted with special glass to stop people who work there being dazzled and the aircraft does take off. Gina is charged with a summary offence.

Explain how the Laser Misuse (Vehicles) Act 2018 will apply in this situation. [10]

(c) Imran is an architect redesigning a road and on 20 September 2019 he uses a laser to take measurements. Imran puts up a warning sign for drivers using the road and then points his laser at a measuring stick 50 m down the road. As Imran turns the laser on, he sneezes and the beam shines into the eyes of Belinda, who is driving a bus along the road. Belinda is dazzled and crashes her bus into a wall. Imran is charged with a summary offence.

Explain how the Laser Misuse (Vehicles) Act 2018 will apply in this situation. [10]

(d) Describe how lay magistrates are selected and trained. Assess the extent to which the selection and training of lay magistrates has improved their ability to do their job. [20]

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Source material for Question 1

Laser Misuse (Vehicles) Act 2018 (adapted)

Section 1 Offence of shining or directing a laser beam towards a vehicle

(1) A person commits an offence if—
  (a) the person shines or directs a laser beam towards a vehicle which is moving or ready to move, and
  (b) the laser beam dazzles or distracts, or is likely to dazzle or distract, a person with control of the vehicle.

(2) It is a defence to show—
  (a) that the person had a reasonable excuse for shining or directing the laser beam towards the vehicle, or
  (b) that the person—
    (i) did not intend to shine or direct the laser beam towards the vehicle, and
    (ii) exercised all due diligence and took all reasonable precautions to avoid doing so.

(3) A person is taken to have shown a fact mentioned in subsection (2) if—
  (a) sufficient evidence is adduced to raise an issue with respect to it, and
  (b) the contrary is not proved beyond reasonable doubt.

(4) A person who commits an offence under this section is liable—
  (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months, to a fine or to both; …

Section 2 Offences relating to air traffic services

(1) A person commits an offence if—
  (a) the person shines or directs a laser beam—
    (i) towards an air traffic facility, or
    (ii) towards a person providing air traffic services, and
  (b) the laser beam dazzles or distracts, or is likely to dazzle or distract, a person providing air traffic services.

(2) It is a defence to show—
  (a) that the person had a reasonable excuse for shining or directing the laser beam towards the facility or person, or
  (b) that the person—
    (i) did not intend to shine or direct the laser beam towards the facility or person, and
    (ii) exercised all due diligence and took all reasonable precautions to avoid doing so.

(3) A person is taken to have shown a fact mentioned in subsection (2) if—
  (a) sufficient evidence is adduced to raise an issue with respect to it, and
  (b) the contrary is not proved beyond reasonable doubt.

(4) A person who commits an offence under this section is liable—
  (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months, to a fine or to both;

…

(6) In this section “air traffic facility” means any building, structure, vehicle or other place from which air traffic services are provided.

Section 3 Interpretation

In this Act “vehicle” means any vehicle used for travel by land, water or air.

Section 4 Commencement

…

(3) Section 1 and 2 come into force at the end of the period of two months beginning with the day on which this Act is passed, May 10 2018.

2 **(a)** Richard, aged 75, is very ill and wants to leave money to his favourite charity when he dies. He is not strong enough to write a will. He tells his best friend, Ben, what to write. He asks Ben to sign the will on his behalf. Richard acknowledges what Ben has written. Andrew and Fred, who are in the room when the will is written, both attest and sign the will. Three weeks later Richard dies. Fred has no recollection of being a witness as he has a brain disease which a doctor says he has been suffering from for a year.

Explain how the Wills Act 1837 will apply in this situation. [10]

(b) Julia, aged 30, writes her will. She signs it in the presence of four witnesses who attest and sign the will. Adam is one of the witnesses and Julia has asked him to be the executor of her will. Julia leaves a large bequest to her nephew, Paul. When Julia dies, Adam acts as executor. Adam discovers that Paul has died but has two children who are alive and so Paul's bequest is paid to them.

Explain how the Wills Act 1837 will apply in this situation. [10]

(c) Ralph, aged 55, writes his will the day before he gets married. Under the will his brother, Tim, will receive a bequest of £10 000 and the rest of his estate will pass to Ralph's wife, Flora, once they are married. Ralph signs this will in the presence of two witnesses who both attest and sign it. Ralph marries Flora but he dies a year later. The executor finds Ralph's will made the day before his wedding folded up in his desk drawer underneath a new one, signed and validly witnessed the week before he died, leaving all of his estate to Tim.

Explain how the Wills Act 1837 will apply in this situation. [10]

(d) Describe the remedies available in Equity and assess the extent to which they lead to fairness in the law. [20]

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Source material for Question 2

Wills Act 1837

Section 7 No will of a person under age valid.
No will made by any person under the age of eighteen years shall be valid.

Section 9 Signing and attestation of wills.
No will shall be valid unless—

(a) it is in writing, and signed by the testator, or by some other person in his presence and by his direction; and
(b) it appears that the testator intended by his signature to give effect to the will; and
(c) the signature is made or acknowledged by the testator in the presence of two or more witnesses present at the same time; and
(d) each witness either—
  (i) attests and signs the will; or
  (ii) acknowledges his signature, in the presence of the testator (but not necessarily in the presence of any other witness),
  but no form of attestation shall be necessary.

Section 14 Will not to be void on account of incompetency of attesting witness.
If any person who shall attest the execution of a will shall at the time of the execution thereof or at any time afterwards be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid.

Section 17 Executor shall be admitted a witness.
No person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof.

Section 18 Wills to be revoked by marriage, except in certain cases.
(1) Subject to subsections (2) to (5) below, a will shall be revoked by the testator's marriage.
(2) …
(3) Where it appears from a will that at the time it was made the testator was expecting to be married to a particular person and that he intended that the will should not be revoked by the marriage, the will shall not be revoked by his marriage to that person.
(4) …

Section 20 No will to be revoked but by another will or codicil, or by a writing executed like a will, or by destruction.
No will or codicil, or any part thereof, shall be revoked otherwise than as aforesaid, or by another will or codicil executed in manner herein-before required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is herein-before required to be executed, or by the burning, tearing, or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

Section 33 Gifts to children or other issue who leave issue living at the testator's death shall not lapse.
(1) Where—
  (a) a will contains a devise or bequest to a child or remoter descendant of the testator; and
  (b) the intended beneficiary dies before the testator, leaving issue; and
  (c) issue of the intended beneficiary are living at the testator's death,
  then, unless a contrary intention appears by the will, the devise or bequest shall take effect as a devise or bequest to the issue living at the testator's death.
(2) …

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