Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/22**

Paper 2 Data Response **May/June 2022**

1 hour 30 minutes

1488163608

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)** Donald is a solicitor. His client has instructed him to appeal to the Court of Appeal against a decision made in the High Court. Donald files an appellant's notice by completing a Form N161 and he sends this with the appropriate fee to the Civil Appeals Office Registry in London. He includes three copies of the appellant's notice along with one copy of each of the sealed order of the decision of the High Court, a skeleton argument on behalf of his client and an approved transcript of the High Court judgment. Donald also includes a copy of the appellant's notice to be sent back to him so that he can serve it on the respondent.

Explain how Practice Direction 52C 2017 will apply in this situation. [10]

(b) Glenda, a solicitor, is representing Miranda in making an appeal to the Court of Appeal. Miranda is in dispute with her business associate, Calvin. Glenda correctly files the appeal with the Civil Appeals Office Registry. She submits all the relevant paperwork, saying that the decision of the lower court against Miranda is unjust. In her skeleton argument Glenda says that the correct procedures were not followed in the previous hearing. The paperwork is returned to Glenda and she serves the notice to appeal and the skeleton argument in respect of the application on Calvin personally at his office. Three days later Glenda realises she did not serve the evidence in support of the appeal. She takes it to Calvin's office but he is not there.

Explain how Practice Direction 52C 2017 will apply in this situation. [10]

(c) Mustapha and Dipak are in a dispute. Dipak lost in the lower court and now the case is due to go to the Court of Appeal. Dipak instructs his solicitor, Jessica, to complete all the relevant paperwork and serve the correct documents on Mustapha. When the documents are served on Mustapha he files a respondent's notice. This is because Mustapha believes that the lower court's decision should be upheld for reasons other than those given by that court. The permission for appeal application is considered by a judge, who decides an oral hearing should be held 10 days later. As the case is complex the judge directs that Mustapha should attend and so Jessica sends him a copy of her skeleton argument. At the hearing Jessica refers to additional documents that Mustapha has not seen before.

Explain how Practice Direction 52C 2017 will apply in this situation. [10]

(d) Describe binding, persuasive and original precedent, using cases to illustrate your answer. Assess the effectiveness of the Court of Appeal in developing precedent. [20]

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Source material for Question 1

Practice Direction 52C 2017 – appeals to the Court of Appeal (amended)

3 Filing the appellant's notice and accompanying documents

(1) An appellant's notice (Form N161) must be filed and served in all cases. The appellant's notice must be accompanied by the appropriate fee or, if appropriate, a fee remission certificate.

(2) The appellant's notice and accompanying documents must be filed in the Civil Appeals Office Registry, Room E307, Royal Courts of Justice, Strand, London, WC2A 2LL.

(3) At the same time as filing an appellant's notice, the appellant must provide for the use of the court three copies of the appellant's notice and one copy of each of the following –
   (a) the sealed order or tribunal determination being appealed;
   (b) (c) (d) (e) (f) …
   (g) the appellant's skeleton argument in support of the appeal;
   (h) the approved transcript of the judgment.

(4) The appellant must also provide to the court one copy of the appellant's notice for each respondent for sealing by the court and return to the appellant for service.

5 Grounds of appeal

(1) The grounds of appeal must identify as concisely as possible the respects in which the judgment of the court below is –
   (a) wrong; or
   (b) unjust because of a serious procedural or other irregularity.

(2) The reasons why the decision under appeal is wrong or unjust must not be included in the grounds of appeal and must be confined to the skeleton argument.

7 Service on the respondent

7.1 The Civil Appeals Office will not serve documents. Where service is required by the Rules or this Practice Direction, it must be effected by the parties.

7.1A The appellant's skeleton argument in respect of an application for permission to appeal must be served on each respondent at the same time as service of the appellant's notice.

7.2 The evidence in support of any application made in an appellant's notice must be filed and served with the appellant's notice.

8 Respondent's notice

(1) A respondent who seeks to appeal against any part of the order made by the court below must file an appeal notice.

(2) A respondent who seeks a variation of the order of the lower court must file an appeal notice and must obtain permission to appeal.

(3) A respondent who seeks to contend that the order of the court below should be upheld for reasons other than those given by that court must file a respondent's notice.

15 Determination of applications for permission to appeal

(1) Applications for permission to appeal will be determined by the court without a hearing unless the judge considering the application directs that the application be determined at an oral hearing.

(2) If a judge directs that an oral hearing should take place, the hearing will be listed before the same judge no later than 14 days after the direction was given, unless the court directs otherwise.

16 Permission hearing

(1) The court will notify the respondent of any oral hearing but the respondent is not expected to attend unless the court so directs.

(2) If the court directs the respondent to attend the permission hearing, the appellant must supply the respondent with a copy of the skeleton argument and any documents to which the appellant intends to refer.

2 **(a)** Guido owns and runs a circus which travels around England. The tigers are the main attraction. The tigers are brought into a special cage towards the end of the circus show and they walk about whilst Guido explains why tigers are at risk in some parts of the world.

Explain how the Wild Animals in Circuses Act 2019 will apply in this situation. [10]

(b) Shona is an inspector whose job is to check on animal welfare. A member of the public sends her a photograph of two lions performing in a travelling circus which has just arrived in the local town in England. Next day, Shona goes to the circus at 09.00 with a video camera, provided as part of her job, in her bag. She meets Casper, the circus owner, who asks her who she is and why she is there. Shona shows Casper her identity badge and the photograph sent by the member of the public. Casper takes Shona to see the lions and she makes a video recording of them.

Explain how the Wild Animals in Circuses Act 2019 will apply in this situation. [10]

(c) Artem operates a travelling circus in England where monkeys perform in the show as part of a comedy act with the clowns. Klaus, an inspector, has been told about the monkeys and he goes to the circus at 23.00 as Artem is getting ready to leave and move on to another town. At the entrance to the circus Klaus shouts at Artem that he is breaking the law. Klaus pushes Artem over to get to the monkeys and he marks each one of them with a special pen he uses in his job.

Explain how the Wild Animals in Circuses Act 2019 will apply in this situation. [10]

(d) Describe the different types of Bills used in the making of legislation. Evaluate the criticisms which are often made of the legislative process. [20]

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Source material for Question 2

Animal Welfare Act 2006 (as amended)

Section 1 Animals to which the Act applies

(1) In this Act "animal" means a vertebrate other than man.

Wild Animals in Circuses Act 2019

Section 1 Prohibition on use of wild animals in travelling circuses in England

(1) A circus operator may not use a wild animal in a travelling circus in England.

(2) For the purposes of this section, a circus operator uses a wild animal in a travelling circus if the animal performs or is exhibited as part of the circus.

(3) A circus operator who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine.

(4) …

(5) In this Act—

"animal" has the meaning given by section 1(1) of the Animal Welfare Act 2006;

"circus operator", in relation to a circus, means—

(a) the owner of the circus,

(b) any other person with overall responsibility for the operation of the circus, and

(c) if neither the owner of the circus nor any person with overall responsibility for its operation is present in the United Kingdom, the person in the United Kingdom who is ultimately responsible for the operation of the circus;

"wild animal" means an animal of a kind which is not commonly domesticated in Great Britain.

Section 2 (Schedule) Inspections

Powers of entry

2 An inspector may enter any premises (other than premises used only as a dwelling) if there are reasonable grounds for suspecting—

(a) that an offence under section 1 is being, has been or is about to be committed on the premises, or

(b) that evidence of the commission of an offence under section 1 may be found on the premises.

Exercise of powers of entry

4(1) Before exercising a power of entry, an inspector must, if requested to do so by a person on the premises—

(a) produce evidence of the inspector's identity, and

(b) outline the purpose for which the power is exercised.

5 An inspector exercising a power of entry must do so at a reasonable hour unless it appears to the inspector that the purpose of entry would be frustrated by entry at a reasonable hour.

6 An inspector exercising a power of entry may—

(a) if necessary, use reasonable force to enter the premises;

(b) take up to two other persons on to the premises;

(c) take such equipment and materials on to the premises as appear to the inspector to be appropriate.

Powers of inspection etc

7 An inspector exercising a power of entry may—

(a) search the premises;

(b) examine, measure or test anything, including an animal, that is found on the premises;

(c) question any person on the premises;

(d) require any person on the premises to give the inspector such assistance as the inspector may reasonably require;

(e) take a sample (including a sample from an animal);

(f) mark an animal found on the premises for identification purposes;

(g) take a photograph or video recording of anything, including an animal, that is found on the premises;

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