Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/23**

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

1 hour 30 minutes

8217857388

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)** Henri and Guy are members of a criminal gang. They are hiding in a house in England with money stolen from a bank. One morning Henri hears a loud noise and someone shouts, "Police. Open the door." Henri and Guy hide under their beds and the police break down the door to enter the house. Police Constable (PC) Brown grabs Henri, who punches PC Brown. Guy runs out into the street. He is chased and caught by Pablo who is part of a Spanish police force working in PC Brown's team for one year.

Explain how the Police Act 1996 will apply in this situation. [10]

(b) Mark has just completed a prison sentence. He has a grudge against the police as he believes they planted false evidence which led to his conviction. Mark wants to cause trouble for the police and he starts visiting a club where local officers, special constables and members of the British Transport Police meet when they are not on duty. Over a period of months he makes statements that convince them he is also a police officer. He tells them that they are being made to work too hard and that they should go on strike. Over a hundred police officers go on strike as a result of what Mark says.

Explain how the Police Act 1996 will apply in this situation. [10]

(c) Thomas and Jack have a cupboard full of items of police uniform which belonged to their father, a police officer who died two years ago. Thomas and Jack were supposed to return all the items but they failed to do so. Thomas is invited to a fancy dress party. He dresses up in some of his father's old uniform, including a hat which clearly shows the name of the police force his father belonged to. Jack wants to go to a concert in the local town where he knows non-uniformed police officers will be on patrol. He puts his father's identification badge round his neck and goes to the concert venue. At the entrance he shows the identification badge to the concert organiser and is let in for free as the organiser thinks Jack is one of the non-uniformed police officers patrolling the concert.

Explain how the Police Act 1996 will apply in this situation. [10]

(d) Describe the powers of the police to stop and search. Assess the extent to which these powers are effective in helping the police do their job. [20]

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Source material for Question 1

Police Act 1996

Section 89 Assaults on constables.

(1) Any person who assaults a constable in the execution of his duty, or a person assisting a constable in the execution of his duty, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

(2) Any person who resists or wilfully obstructs a constable in the execution of his duty, or a person assisting a constable in the execution of his duty, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale, or to both.

(3) …

(4) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—
   (a) is a member of an international joint investigation team that is led by a member of a police force; and
   (b) is carrying out his functions as a member of that team.

Section 90 Impersonation, etc.

(1) Any person who with intent to deceive impersonates a member of a police force or special constable, or makes any statement or does any act calculated falsely to suggest that he is such a member or constable, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

(2) Any person who, not being a constable, wears any article of police uniform in circumstances where it gives him an appearance so nearly resembling that of a member of a police force as to be calculated to deceive shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Any person who, not being a member of a police force or special constable, has in his possession any article of police uniform shall, unless he proves that he obtained possession of that article lawfully and has possession of it for a lawful purpose, be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(4) In this section—
   (a) "article of police uniform" means any article of uniform or any distinctive badge or mark or document of identification usually issued to members of police forces or special constables, or anything having the appearance of such an article, badge, mark or document, and
   (b) "special constable" means a special constable appointed for a police area.

Section 91 Causing disaffection.

(1) Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the members of any police force, or induces or attempts to induce, or does any act calculated to induce, any member of a police force to withhold his services, shall be guilty of an offence and liable—
   (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
   (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(2) This section applies in the case of—
   (a) special constables appointed for a police area,
   (b) members of the Civil Nuclear Constabulary, and
   (c) members of the British Transport Police Force,

   as it applies in the case of members of a police force.

2 **(a)** The Lord Chancellor wants to create a new Law Commission. He appoints Lord Smith, a judge in the Court of Appeal, as Chairman. A teacher of Law in a university, a solicitor with 20 years' experience and a barrister with 10 years' experience are appointed as Commissioners for four years. The last appointment is Lady Jones, a judge in the Supreme Court. Lady Jones struggles to do her work for the Commission as she is very busy sitting in the Supreme Court. A month after he is appointed, the university teacher, David, resigns saying he has too much work to do. Two months later someone takes over his teaching and he is reappointed by the Lord Chancellor.

Explain how the Law Commissions Act 1996 will apply in this situation. [10]

(b) Before the Law Commission starts work the Lord Chancellor wants to appoint five people to work full time to help it do its job. The Treasury tells the Lord Chancellor that to save money only three people can be appointed. The Treasury also agrees to pay the salaries of all the Commissioners except the Supreme Court judge Lady Jones. The Lord Chancellor and the Law Commission create a protocol to make it clear how Ministers are to provide support when asked to do so and to take seriously reform proposals. The Lord Chancellor lays the protocol before Parliament and it is approved.

Explain how the Law Commissions Act 1996 will apply in this situation. [10]

(c) The Law Commission Act 2009 is passed on 1 June 2009 and comes into effect on 1 August of that year. On 5 September 2010 the Lord Chancellor lays a report before Parliament on the work of the Law Commission. The report sets out the proposals which have been achieved in the first year of the Law Commission's work, noting that some have been only partly completed. The report gives a long list of proposals that have not been implemented with a detailed explanation of why this is the case and a plan for how some of the proposals might still be implemented in a future year.

Explain how the Law Commissions Act 1996 and the Law Commission Act 2009 will apply in this situation. [10]

(d) Describe the role of the Law Commission. Assess its effectiveness in reforming the law. [20]

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Source material for Question 2

Law Commissions Act 1996 (adapted)

1 The Law Commission.

(1) For the purpose of promoting the reform of the law of England and Wales there shall be constituted in accordance with this section a body of Commissioners, to be known as the Law Commission, consisting (except during any temporary vacancy) of a Chairman and four other Commissioners appointed by the Lord Chancellor.

(1A) The person appointed to be the Chairman shall be a person who holds office as a judge of the High Court or Court of Appeal in England and Wales.

(2) The persons appointed to be the other Commissioners shall be persons appearing to the Lord Chancellor to be suitably qualified by the holding of judicial office or by experience as a person having a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 or as a teacher of law in a university.

(3) A person appointed to be a Commissioner shall be appointed for such term (not exceeding five years) and subject to such conditions as may be determined by the Lord Chancellor at the time of his appointment; but a Commissioner may at any time resign his office and a person who ceases to be a Commissioner shall be eligible for reappointment.

(4) A person who holds judicial office may be appointed as a Commissioner without relinquishing that office, but shall not (unless otherwise provided by the terms of his appointment) be required to perform his duties as the holder of that office while he remains a member of the Commission

3A Reports on implementation of Law Commission proposals

(1) As soon as practicable after the end of each reporting year, the Lord Chancellor must prepare a report on—
  (a) the Law Commission proposals implemented (in whole or in part) during the year;
  (b) the Law Commission proposals that have not been implemented (in whole or in part) as at the end of the year.

(2) The Lord Chancellor must lay the report before Parliament.

(3) The first reporting year is the year starting with the day on which section 1 of the Law Commission Act 2009 comes into force; and the second reporting year is the year after that and so on.

3B Protocol about the Law Commission's work

(1) The Lord Chancellor and the Law Commission may agree for the purposes of this section a statement (a "protocol") about the Law Commission's work.

(2) The protocol may include (among other things) provision about—
  (a) …
  (b) the assistance and information that Ministers of the Crown and the Law Commission are to give each other;
  (c) the way in which Ministers of the Crown are to deal with the Law Commission's proposals for reform, consolidation or statute law revision.

(3) …

(4) The Lord Chancellor must lay the protocol (and any revision of it) before Parliament.

4 Remuneration and pensions of Commissioners.

(1) There shall be paid to the Commissioners of the Law Commission, other than a Commissioner who holds high judicial office, such salaries or remuneration as may be determined, with the approval of the Treasury, by the Lord Chancellor

5 Staff and expenses and the Law Commission Act 2009 appear on page 6.

5 Staff and expenses.
(1) The Lord Chancellor may appoint such officers and servants of the Law Commission as he may, with the approval of the Treasury as to number and conditions of service, determine.

Law Commission Act 2009

Section 3 Commencement and short title
(1) This Act comes into force at the end of the period of 2 months beginning with the day on which it is passed.

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