UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education
Advanced Subsidiary Level and Advanced Level

LAW **9084/22**

Paper 2 Data Response **October/November 2013**

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper

3001157719

READ THESE INSTRUCTIONS FIRST

If you have been given an Answer Booklet, follow the instructions on the front cover of the Booklet.
Write your Centre number, candidate number and name on all the work you hand in.
Write in dark blue or black pen.
Do not use staples, paper clips, highlighters, glue or correction fluid.

Answer **one** question.

At the end of the examination, fasten all your work securely together.
The number of marks is given in brackets [ ] at the end of each question or part question.

This document consists of **4** printed pages.

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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)** With reference to the following situations consider whether there would be a violation of human rights.

(i) There have been a large number of burglaries in the village of Iffey. Stan, who already has previous convictions for burglary, was arrested in connection with these. He was asked to take part in an identity parade but he refused and because of this the police secretly videotaped him at the police station. He was later identified by a witness who viewed the videotape and as a result Stan was convicted. [10]

(ii) Nina works for a private company. She claims that she has been unable to work for 2 months due to a back injury sustained at work. During this time her employers secretly film her playing football with her children in her garden. [10]

(iii) Asa is 17 years old and attends the local state college where he receives free education. He has recently heard that the government is planning to introduce a law which requires that all students over the age of 16 attending state colleges undertake compulsory unpaid work in the community. [10]

(b) To what extent do you think the Human Rights Act 1998 sufficiently protects UK citizens in the absence of a Bill of Rights? [20]

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Source Material

The Human Rights Act 1998

s.6 (3) In this section 'public authority' includes –
(a) a court or tribunal, and
(b) any person certain of whose functions are functions of a public nature,
but does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament.

Schedule 1

Article 4
(1) No one shall be held in slavery or servitude.
(2) No one shall be required to perform forced or compulsory labour.
(3) For the purpose of this article, the term 'forced or compulsory labour' shall not include:
…
(d) any work or service which forms part of normal civic obligations.

Article 8
(1) Every person has the right to respect for his private and family life, his home and his correspondence.
(2) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society and in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health and morals, or for the protection of the rights and freedoms of others.

Perry v UK (2003) ECHR
P is a convicted armed robber. His human rights were infringed when police secretly videotaped him for identification purposes and used the material in the prosecution against him. The European Court of Human Rights ruled that P's right to respect for private life under Article 8 was breached by the police as their covert videotaping had gone beyond the normal use of the police station's camera and was not in accordance with the law.

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2 (a) Consider the following situations and decide whether or not the person was acting dishonestly within the definition given in the Theft Act 1968.

(i) Jamila is looking after Preeya's daughter Tanya at Preeya's house. Tanya is hungry and Jamila sees a £50 note on the kitchen table so decides to take Tanya out for lunch. When they return Jamila puts the change on the table. [10]

(ii) Nikita is walking in town in the shopping mall when she notices a purse lying on the floor. She picks it up and looks inside it. It contains no means of identification but does contain £100. She decides that it is lost and so she spends the money on clothes for herself. [10]

(iii) Mandip works at the local factory that makes televisions. Any television that has scratches on the screen is discarded and placed in a special bin. Mandip takes one of these televisions for his mother. He was arrested for theft and at court he argued that he believed he was allowed to take the television as he had seen other people do this. [10]

(b) Discuss the pre-trial matters which should be addressed before any case is brought to criminal trial. [20]

Source Material

The Theft Act 1968

s. 2 (1) A person's appropriation of property belonging to another is not to be regarded as dishonest –

(a) If he appropriates the property in the belief that he has in law the right to deprive the other of it, on behalf of himself or of a third person; or

(b) If he appropriates the property in the belief that he would have the other's consent if the other knew of the appropriation and the circumstances of it; or

(c) …if he appropriates the property in the belief that the person to whom the property belongs cannot be discovered by taking reasonable steps.

R v Holden [1991]

Holden worked for a tyre company. He took some used tyres and was convicted of theft. He appealed claiming that he believed he was allowed to take used tyres as he had seen other workers do this. However, his contract of employment had a clause forbidding the taking of used items. The Court of Appeal upheld his appeal on the basis that the question of dishonesty under the exceptions in s.2(1) Theft Act 1968 is judged entirely subjectively. It is the defendant's belief alone that is important, not what he is actually permitted or forbidden to do.

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