Cambridge International AS & A Level

Cambridge International Examinations
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/23**

Paper 2 Data Response **October/November 2017**

1 hour 30 minutes

No Additional Materials are required.

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READ THESE INSTRUCTIONS FIRST

An answer booklet is provided inside this question paper. You should follow the instructions on the front cover of the answer booklet. If you need additional answer paper ask the invigilator for a continuation booklet.

Answer **one** question.

The number of marks is given in brackets [ ] at the end of each question or part question.

This document consists of **5** printed pages, **3** blank pages and **1** Insert.

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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)** Daisy, aged 40, runs a business walking people's dogs whilst they are at work. Stefan pays Daisy to walk Rex, his large and lively dog. Rex has bitten the postman (who wears a yellow jacket) twice but Stefan does not tell Daisy this. While Daisy is walking Rex on a lead in the local park, a runner goes past in a yellow jacket. Rex pulls hard on the lead causing Daisy to let go. Rex chases the runner and rips their shorts.

Explain how the Dangerous Dogs Act 1991 will apply to Stefan. [10]

(b) John advertises his dog, Millie, for sale for £200. John got her from a friend who breeds pit bull terriers. When a buyer comes to look at Millie, John says he does not know her breed but that she is a friendly dog. The buyer takes Millie away but brings her back the next day because they have been told the dog looks like a pit bull terrier. John takes Millie to a housing estate a mile away and leaves her tied to a lamp post.

Explain how the Dangerous Dogs Act 1991 will apply to John. [10]

(c) Courtney is given a puppy by her boyfriend. She calls the puppy Lucky. She takes Lucky to see a local vet who says he believes the dog is a pit bull terrier. Lucky grows to be very strong so Courtney always puts a lead and muzzle on him when they are out. One day Courtney is walking Lucky when Mike rides towards them on his bicycle. Lucky jumps towards Mike, who falls off his bicycle and breaks his arm.

Explain how the Dangerous Dogs Act 1991 will apply to Courtney. [10]

(d) Describe the sentences given to adult offenders and critically analyse the aims behind those sentences. [20]

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Source material for Question 1

Dangerous Dogs Act 1991

Section 1 Dogs bred for fighting

(1) This section applies to—
  (a) any dog of the type known as the pit bull terrier;
  …

(2) No person shall—
  (a) breed, or breed from, a dog to which this section applies;
  (b) sell or exchange such a dog or offer, advertise or expose such a dog for sale or exchange;
  (c) make or offer to make a gift of such a dog or advertise or expose such a dog as a gift;
  (d) allow such a dog of which he is the owner or of which he is for the time being in charge to be in a public place without being muzzled and kept on a lead; or
  (e) abandon such a dog of which he is the owner or, being the owner or for the time being in charge of such a dog, allow it to stray.

(7) Any person who contravenes this section is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both except that a person who publishes an advertisement—
  …
  (b) shall not be convicted if he shows that he did not know and had no reasonable cause to suspect that it related to a dog to which this section applies.

Section 3 Keeping dogs under proper control

(1) If a dog is dangerously out of control in a public place—
  (a) the owner; and
  (b) if different, the person for the time being in charge of the dog,
  is guilty of an offence, or, if the dog while so out of control injures any person, an aggravated offence, under this subsection.

(2) In proceedings for an offence under subsection (1) above against a person who is the owner of a dog but was not at the material time in charge of it, it shall be a defence for the accused to prove that the dog was at the material time in the charge of a person whom he reasonably believed to be a fit and proper person to be in charge of it.

…

(4) A person guilty of an offence under subsection (1) above other than an aggravated offence is liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both; and a person guilty of an aggravated offence under that subsection is liable—
  (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
  (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

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2 **(a)** Khalid owns a shop which sells outdoor equipment. John is planning his first walking holiday and he asks Khalid's advice as to the best waterproof jacket. Khalid recommends a particular jacket. John buys this jacket but does not see a small label inside which says 'suitable for light rain only'. On the first day of John's holiday it rains heavily. He gets so wet and cold he ends his holiday early and goes home.

Explain how the Consumer Rights Act 2015 will apply to this contract. [10]

(b) Alexandra wants to make a dress for a party. She sees an advertisement on the internet for some red silk sold by Zak. They speak on the phone and Alexandra tells Zak about the dress. He says the silk can be a little rough so he sends Alexandra a sample. When Alexandra sees the sample she thinks the silk will be fine so she buys 10 metres for £500. The silk that arrives matches the sample but is so hard to sew that Alexandra cannot make her dress.

Explain how the Consumer Rights Act 2015 will apply to this contract. [10]

(c) Kanye sees an advertisement for a car placed by XYZ Cars Ltd: 'A great car for town driving. Has only driven 25 000 miles. Serviced from new – £5000.' Kanye goes to see the car. He thinks the price is very cheap and pays the £5000. Three weeks later Kanye is driving in traffic. He has to stop suddenly and the brakes fail, causing him to crash. A mechanic tells Kanye the car has never been serviced and it has driven 70 000 miles.

Explain how the Consumer Rights Act 2015 will apply to this contract. [10]

(d) Describe the alternative methods of dispute resolution available for John, Alexandra and Kanye. Critically assess the effectiveness of these methods. [20]

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Source material for Question 2

Consumer Rights Act 2015

Section 9 Goods to be of satisfactory quality

(1) Every contract to supply goods is to be treated as including a term that the quality of the goods is satisfactory.

(2) The quality of goods is satisfactory if they meet the standard that a reasonable person would consider satisfactory, taking account of—
  (a) any description of the goods,
  (b) the price or other consideration for the goods (if relevant).

(3) The quality of goods includes their state and condition; and the following aspects (among others) are in appropriate cases aspects of the quality of goods—
  (a) fitness for all the purposes for which goods of that kind are usually supplied;
  (b) appearance and finish;
  (c) freedom from minor defects;
  (d) safety;
  (e) durability.

Section 10 Goods to be fit for particular purpose

(1) Subsection (3) applies to a contract to supply goods if before the contract is made the consumer makes known to the trader (expressly or by implication) any particular purpose for which the consumer is contracting for the goods.

….

(3) The contract is to be treated as including a term that the goods are reasonably fit for that purpose, whether or not that is a purpose for which goods of that kind are usually supplied.

(4) Subsection (3) does not apply if the circumstances show that the consumer does not rely, or it is unreasonable for the consumer to rely, on the skill or judgment of the trader or credit-broker.

Section 13 Goods to match a sample

(1) This section applies to a contract to supply goods by reference to a sample of the goods that is seen or examined by the consumer before the contract is made.

(2) Every contract to which this section applies is to be treated as including a term that—
  (a) the goods will match the sample except to the extent that any differences between the sample and the goods are brought to the consumer's attention before the contract is made, and
  (b) the goods will be free from any defect that makes their quality unsatisfactory and that would not be apparent on a reasonable examination of the sample.

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