Cambridge International AS & A Level

Cambridge Assessment International Education
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/22**

Paper 2 Data Response **October/November 2019**

1 hour 30 minutes

No Additional Materials are required.

0090568487

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)** Anwar is in a lot of debt and he asks his wealthy employer, Karinna, for a loan but she refuses to help him. That night, when Karinna has left the office where she and Anwar work he sees a diamond ring on her desk. He steals the ring and takes it to a shop where it is valued at £120 000. Anwar sells the ring and clears his debts. The ring was all Karinna had to remind her of her mother, who died when she was a child. Anwar is convicted of theft.

Explain how the Sentencing Council Guidelines will apply to Anwar. [10]

(b) Femi is targeted by a local street gang and told to pay them £500 or he will be beaten up. Femi is scared and as he is walking home he sees Sam on his mobile phone. Femi runs up to Sam and steals his mobile phone. Femi sells the phone but it is only worth £200. Sam needed to use his phone for important business calls and he now feels scared when walking in open spaces.

Explain how the Sentencing Council Guidelines will apply to Femi. [10]

(c) Carly is part of a group who decide to steal a prize winning dog. The dog belongs to Paul, who lives alone since his wife died a year ago. They make a plan that Carly will invite Paul round to her house for tea whilst others in the group steal the dog from Paul's house. The plan succeeds and the dog is sold for £1500. Paul is so upset that he has to have a week off work as the dog was a birthday gift from his wife. Carly and the others in the group are all convicted of theft.

Explain how the Sentencing Council Guidelines will apply to Carly. [10]

(d) Describe the aims of sentencing used for adult offenders. Assess the extent to which these aims are effective in preventing re-offending. [20]

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Source material for Question 1

Sentencing Council Guidelines – General Theft – Section 1 Theft Act 1968

Step 1 – Determining the offence category

A – High culpability
- A leading role where offending is part of a group activity
- Involvement of others through coercion, intimidation or exploitation
- Breach of a high degree of trust or responsibility

B – Medium culpability
- A significant role where offending is part of a group activity
- Some degree of planning involved
- Breach of some degree of trust or responsibility

C – Lesser culpability
- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Little or no planning

Harm – reference is made to the financial loss that results from the theft and any significant additional harm suffered by the victim or others – examples of which may include:
- Items stolen were of substantial value to the loser – regardless of monetary worth
- High level of inconvenience caused to the victim or others
- Consequential financial harm to victim or others
- Emotional distress
- Fear/loss of confidence caused by the crime
- Impact of theft on a business

Step 2 – Sentencing

Harm	A – High culpability	B – Medium culpability	C – Lesser culpability
Category 1 Value over £100 000	**Starting point** – 3 years 6 months' custody **Range** – 2 years 6 months' – 6 years' custody	**Starting point** – 2 years' custody **Range** – 1 – 3 years 6 months' custody	**Starting point** – 1 year's custody **Range** – 26 weeks' – 2 years' custody
Category 2 Value £10 000 – £100 000	**Starting point** – 2 years' custody **Range** – 1 – 3 years 6 months' custody	**Starting point** – 1 year's custody **Range** – 26 weeks' – 2 years' custody	**Starting point** – high level community order **Range** – low level community order – 36 weeks' custody
Category 3 Value £500 – £10 000	**Starting point** – 1 year's custody **Range** – 26 weeks' – 2 years' custody	**Starting point** – high level community order **Range** – low level community order – 36 weeks' custody	**Starting point** – band C fine **Range** – band B fine – low level community order
Category 4 Value up to £500	**Starting point** – high level community order **Range** – medium level community order – 36 weeks' custody	**Starting point** – low level community order **Range** – band C fine – medium level community order	**Starting point** – band B fine **Range** – discharge – band B fine

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2 **(a)** Khalid, aged 21, applies to join the police force after university. He came to the UK 10 years ago with his family and is allowed to remain indefinitely. He passes the physical and written tests with high marks, although he only just passes the numeracy test, and has two good references from his university tutors. Khalid does not put a caution for theft three years ago on his application form. Several months later Khalid receives a short letter telling him his application was successful.

Explain how the Police Regulations 2003 will apply to Khalid. [10]

(b) Stephanie Walker, aged 30 and a British citizen, is appointed as a police officer in London. She has just completed two years in the armed forces, where she was awarded a certificate of good conduct. She meets all the other qualifications for employment. The chief officer for London has set a probationary period of one year for anyone who joins the force and Police Constable (PC) Walker is a popular and committed officer. On the last day of her probationary period, PC Walker is arresting a suspect who produces a knife and she has a severe anxiety attack.

Explain how the Police Regulations 2003 will apply to PC Walker. [10]

(c) Troy, aged 19, applies to be a police officer. He buys extra strong contact lenses so he can pass the eyesight test and when asked he says he does not wear contact lenses. Troy has one good reference but his other referee notes that Troy has been involved in several fights. Within a month of starting the six month probationary period set by the Secretary of State Troy fails to identify a suspect's car because he is not wearing his contact lenses and cannot read the number plate. No other officer will work with him as he is very aggressive when under pressure.

Explain how the Police Regulations 2003 will apply to Troy. [10]

(d) Describe the parliamentary and judicial controls of delegated legislation. Assess the effectiveness of delegated legislation as a method of law making. [20]

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Source material for Question 2

The Police Regulations 2003

Regulation 10: Qualifications for appointment to a police force

(1) A candidate for appointment to a police force—
  (a) must, if not a national of a State which is a Contracting Party to the Agreement on the European Economic Area, have leave to enter or remain in the United Kingdom for an indefinite period;
  (b) must produce satisfactory references as to character, and, if he has served in any police force, in the armed forces, in the civil service or as a seaman, produce satisfactory proof of his good conduct while so serving;
  (c) must have attained the age of 18 years 6 months;
  (d) must be certified by a registered medical practitioner approved by the police authority to be in good health, of sound constitution and fitted both physically and mentally to perform the duties on which he will be employed after appointment;
  (e) must meet the standard of eyesight determined by the Secretary of State;
  (f) must, if a candidate for appointment in the rank of constable, satisfy the chief officer that he is sufficiently competent in written and spoken English, and sufficiently numerate, by passing such assessments in written and spoken English, and numeracy, as may be approved by the Secretary of State;
  (g) …
  (h) must give such information as may be required as to his previous history or employment or any other matter relating to his appointment to the police force.

(2) A candidate for appointment to a police force shall be given a notice in terms approved by the Secretary of State drawing attention to the terms and conditions of service which shall be contained therein.

(3) …

Regulation 12: Probationary service in the rank of constable

(1) A member of a police force appointed in the rank of constable, other than such a member who transferred to the force from another police force having completed the required period of probation therein, shall be on probation for such period as the Secretary of State shall determine in respect of such appointments.

(2) The Secretary of State may confer on the chief officer discretion to determine the required period of probation in a particular case.

(3) …

Regulation 13: Discharge of probationer

(1) Subject to the provisions of this regulation, during his period of probation in the force the services of a constable may be dispensed with at any time if the chief officer considers that he is not fitted, physically or mentally, to perform the duties of his office, or that he is not likely to become an efficient or well conducted constable.

(2) A constable whose services are dispensed with under this regulation shall be entitled to receive a month's notice or a month's pay in lieu thereof.

(3) …

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