Cambridge International AS & A Level

Cambridge Assessment International Education
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/23**

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

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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[Turn over

Answer **either** Question 1 **or** Question 2.

You should make appropriate reference to the source material supplied for each question.

1 **(a)** Richard works for the UK government security services. Sue is a suspected terrorist. Richard's boss instructs him to find out Sue's plans. Richard contacts the private telecommunications operator with whom Sue has a mobile (cell) phone contract. He gets permission to get Sue's calls and messages diverted so he can hear them. As a result, Sue is arrested in London in relation to serious terrorism offences.

Explain how the Investigatory Powers Act 2016 will apply to Richard. [10]

(b) Amanda, a UK police officer, pretends to belong to a local criminal gang. Her senior officer gets permission from the public telecommunications operator to fit a tracking device to a mobile phone. He authorises Amanda to give a gang member, Phil, the mobile phone. A month later, Amanda is moved to another department but she continues to track Phil's phone. Amanda tells the police about a robbery she hears Phil planning on his phone.

Explain how the Investigatory Powers Act 2016 will apply to Amanda. [10]

(c) Frank works for the UK government customs authority. He believes that Charlie, an Australian businessman based in London, is importing animals illegally. Frank's boss gets permission to access Charlie's mobile phone, which uses a private telecommunications operator. Frank monitors Charlie's phone for several weeks. He hears a phone call between Charlie and another man when they are both in Australia, about importing animals. When the animals arrive on a plane from Australia they are seized by Frank.

Explain how the Investigatory Powers Act 2016 will apply to Frank. [10]

(d) Describe the appeal system used in criminal cases. Assess the effectiveness of this system. [20]

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Source material for Question 1

Investigatory Powers Act 2016

Section 3 Offence of unlawful interception

(1) A person commits an offence if—
  (a) the person intentionally intercepts a communication in the course of its transmission by means of—
    (i) a public telecommunication system or
    (ii) a private telecommunication system
  (b) the interception is carried out in the United Kingdom, and
  (c) the person does not have lawful authority to carry out the interception.

(2) But it is not an offence under subsection (1) for a person to intercept a communication in the course of its transmission by means of a private telecommunication system if the person—
  (a) is a person with a right to control the operation or use of the system, or
  (b) has the express or implied consent of such a person to carry out the interception.

Section 4 Definition of "interception" etc.

(1) For the purposes of this Act, a person intercepts a communication in the course of its transmission by means of a telecommunication system if, and only if—
  (a) the person does a relevant act in relation to the system, and
  (b) the effect of the relevant act is to make any content of the communication available, at a relevant time, to a person who is not the sender or intended recipient of the communication.

(2) In this section "relevant act", in relation to a telecommunication system, means—
  (a) modifying, or interfering with, the system or its operation;
  (b) monitoring transmissions made by means of the system;
  (c) monitoring transmissions to or from apparatus that is part of the system.

(3) For the purposes of this section references to modifying a telecommunication system include references to attaching any apparatus to, or otherwise modifying or interfering with—
  (a) any part of the system, or
  (b) any apparatus used for making transmissions to or from apparatus that is part of the system.

(4) (5) (6) (7) …

(8) For the purposes of this Act the interception of a communication is carried out in the United Kingdom if, and only if—
  (a) the relevant act is carried out by conduct within the United Kingdom, and
  (b) the communication is intercepted—
    (i) in the course of its transmission by means of a public telecommunication system, or
    (ii) in the course of its transmission by means of a private telecommunication system in a case where the sender or intended recipient of the communication is in the United Kingdom.

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2 **(a)** Graham has just bought himself a new sports car. The salesman tells him the car is very powerful and that Graham should take extra care until he gets used to the car. On his way home from the garage, Graham decides to see how fast the car will go. He is exceeding the speed limit and overtakes a tractor on a bend. Graham loses control of the car which crashes into a field, killing Dorothy who is out for a walk.

Explain how the Road Traffic Act 1991 will apply to Graham. [10]

(b) Carly lives in a house located on a bend in a road. The highway authority place a temporary traffic light outside her house and a warning sign on the footpath, so it is hard for her to get her car onto the road. Late one night, Carly moves the traffic light 100m so it is not outside her house. She puts the warning sign face down on the footpath as she thinks it is now in the wrong place. The following day, there is a crash when the traffic light Carly moved does not work and there is no warning sign.

Explain how the Road Traffic Act 1991 will apply to Carly. [10]

(c) Nick is having an open day at his farm. He puts a big sign above the farm gate which sticks out into the road by a few metres. A bus bringing visitors to the open day hits the sign and a child is injured. Nick wants to move some sheep from a field further down a busy road to his farm but his truck is not big enough. He ties an extra trailer onto the back of his truck with rope and starts to drive along the road.

Explain how the Road Traffic Act 1991 will apply to Nick. [10]

(d) Describe where ideas for law reform come from. Assess the effectiveness of the law reform system. [20]

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Source material for Question 2

Road Traffic Act 1991

Section 1 Causing death by dangerous driving
A person who causes the death of another person by driving a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.

Section 2 Dangerous driving
A person who drives a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.

(1) For the purposes of sections 1 and 2 above a person is to be regarded as driving dangerously if (and, subject to subsection (2) below, only if)—
  (a) the way he drives falls far below what would be expected of a competent and careful driver, and
  (b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

(2) A person is also to be regarded as driving dangerously for the purposes of sections 1 and 2 above if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.

(3) In subsections (1) and (2) above "dangerous" refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of those subsections what would be expected of, or obvious to, a competent and careful driver in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(4) In determining for the purposes of subsection (2) above the state of a vehicle, regard may be had to anything attached to or carried on or in it and to the manner in which it is attached or carried.

Section 22A Causing danger to road-users

(1) A person is guilty of an offence if he intentionally and without lawful authority or reasonable cause—
  (a) causes anything to be on or over a road, or
  (b) interferes with a motor vehicle, trailer or cycle, or
  (c) interferes (directly or indirectly) with traffic equipment,

in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous.

(2) In subsection (1) above "dangerous" refers to danger either of injury to any person while on or near a road, or of serious damage to property on or near a road; and in determining for the purposes of that subsection what would be obvious to a reasonable person in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(3) In subsection (1) above "traffic equipment" means—
  (a) anything lawfully placed on or near a road by a highway authority;
  (b) a traffic sign lawfully placed on or near a road by a person other than a highway authority;
  (c) any fence, barrier or light lawfully placed on or near a road—
    (i) for guarding, lighting and signing in streets where works are undertaken, or
    (ii) by a constable or a person acting under the instructions (whether general or specific) of a chief officer of police.

(4) For the purposes of subsection (3) above anything placed on or near a road shall unless the contrary is proved be deemed to have been lawfully placed there.

(5) In this section "road" does not include a footpath or bridleway.

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