



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

LAW

9084/02

Paper 2 Data Response

October/November 2007

1 hour 30 minutes

Additional Materials: Answer Booklet

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.



Answer **either** question 1 **or** question 2.

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

- 1 (a) The police are called to the scene of a burglary at Fawltly Towers. As they arrive they see Brian Biggs running away. He is arrested on suspicion of burglary and taken by car to the police station. On the way, the police ask him what he has done with the stolen property and he replies ‘...You’ll never find it. I threw it down a drain.’

Explain whether the conversation in the car can be used as evidence in court against Brian Biggs. [10]

- (b) They arrive at the police station at 2.15pm. At 2.30pm, Biggs is seen by the custody officer, who orders him to be held for questioning. Biggs asks to consult a solicitor but is told that his request will not be permitted at present, as a Detective Constable wants to interview him immediately.

Discuss whether the treatment given to Biggs at the police station complies with the requirements of the present law. [10]

- (c) Biggs is interviewed under caution. He denies the offence until the Detective Constable tells him that, if he confesses to the burglary, the custody officer will give him bail. Biggs then admits the offence and says that he gave the jewellery to a friend.

Discuss whether evidence of his confession can be used at his trial. [10]

- (d) To what extent do you think that the Police and Criminal Evidence Act 1984 protects the rights of those detained and kept in custody? [20]

SOURCES

Police and Criminal Evidence Act 1984

s.58 Access to Legal Advice

- (1) A person arrested and held in custody in a police station or other premises shall be entitled, if he so requests, to consult a solicitor privately at any time.
- (4) If a person makes such a request, he must be permitted to consult a solicitor as soon as is practicable except to the extent that delay is permitted by this section.

s.76 Confessions

- (1) In any proceedings a confession made by an accused person may be given in evidence against him in so far as it is relevant to any matter in issue in the proceedings and is not excluded by the court in pursuance of this section.
- (2) If, in any proceedings where the prosecution proposes to give in evidence a confession made by an accused person, it is represented to the court that the confession was or may have been obtained –
 - (a) by oppression of the person who made it; or
 - (b) in consequence of anything said or done which was likely, in the circumstances existing at the time, to render unreliable any confession which might be made by him in consequence thereof,

the court shall not allow the confession to be given in evidence against him except in so far as the prosecution proves to the court beyond reasonable doubt that the confession (notwithstanding that it may be true) was not obtained as aforesaid.

s.78 (1) Exclusion of unfair evidence

In any proceedings the court may refuse to allow evidence on which the prosecution proposes to rely to be given if it appears to the court that having regard to all the circumstances including the circumstances in which the evidence was obtained the admission of the evidence would have such an adverse effect on the fairness of the proceedings that the court ought not to admit it...

Code C 11.1 Following a decision to arrest a suspect they must not be interviewed about the relevant offence except at a police station or other authorised place of detention unless the consequent delay would be likely to lead to interference with or harm to evidence connected with an offence.

- 2 (a) Mustafa decided to install double-glazing at his house and he chose a local firm 'Beta Windows' to install it. The price for the work, including the windows and other materials and the cost of fitting, was agreed at £5,000. The work was completed on time and Mustafa was satisfied with it. A few weeks later he noticed that the frames of the window had begun to rot and that there were now some gaps between the window frames and the walls of the house. Consider whether Mustafa has a claim against 'Beta Windows'. [10]
- (b) If Mustafa decides to sue 'Beta Windows' in which court will the action be heard? Explain, giving reasons, whether it will be allocated to a 'fast track hearing'. [10]
- (c) Given the provisions of section 4 (5) of the Supply of Goods and Services Act 1982, what claim would Mustafa have against 'Beta Windows' if he used the windows for a different purpose? [10]
- (d) Discuss the merits of the current process for hearing cases in the civil system of justice. [20]

SOURCES

Supply of Goods and Services Act 1982

s.4 Implied terms about quality and fitness

- (2) Where, under such a contract, the transferor transfers the property in goods in the course of a business, there is an implied condition that the goods supplied under the contract are of satisfactory quality,
- (2A) For the purpose of this section and section 5 below goods are of satisfactory quality if they meet the standard that a reasonable person would regard as satisfactory, taking account of any description of the goods, the price (if relevant) and all the other relevant circumstances,
- (4) Subsection 5 below applies where under a contract for the transfer of goods the transferor transfers the property in goods in the course of business and the transferee, expressly or by implication makes known –
- (a) to the transferor,
any particular purpose for which the goods are being acquired
- (5) In that case there is ... an implied condition that the goods supplied under the contract are reasonably fit for that purpose, whether or not that is a purpose for which such goods are commonly supplied.

s.12

- (1) In this Act a 'contract for the supply of a service' means, subject to subsection (2) below, a contract under which a person ('the supplier') agrees to carry out a service.

s.13 Implied term about care and skill

In a contract for the supply of a service where the supplier is acting in the course of a business, there is an implied term that the supplier will carry out the service with reasonable care and skill.

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