

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

LAW

9084/01

Paper 1 Law and Legal Process

October/November 2003

Additional Materials: Answer Booklet/Paper

3 hours

READ THESE INSTRUCTIONS FIRST

If you have been given an Answer Booklet, follow the instructions on the front cover of the Booklet.
Write in dark blue or black pen on both sides of the paper.
You may use a soft pencil for any diagrams, graphs, music or rough working.
Do not use staples, paper clips, highlighters, glue or correction fluid.

Answer any **four** questions.
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.

- 1 In criminal law, proof of a wrongful act will not, in itself, lead to a successful prosecution. Proof of a 'guilty mind' is necessary to establish a 'guilty mind'. Explain, with examples, the meaning of 'guilty mind'. [25]
- 2 Judicial precedent allows the law to be both flexible and certain. Consider the extent to which you think that this statement is true. [25]
- 3 Your friend becomes ill after eating at a local restaurant. Critically assess what she would have to prove in order to be successful in a claim in negligence. [25]
- 4 Decisions in criminal cases should not be made by lay people. Discuss. [25]
- 5 "If one party promises to forego or not to rely upon his strict legal rights and the other party, in reliance on that promise, acts upon it, then the promisor is estopped from asserting his full legal rights" Denning LJ in *Central London Properties Trust Co. Ltd v High Trees House Ltd* (1947). Discuss this statement and the development of the doctrine of promissory estoppel. [25]
- 6 Explain why certain acts can constitute both a crime and a tort. Compare how each case might proceed in the courts. Why are sanctions and remedies different in criminal and civil cases? [25]
- 7 Critically assess the relevance of equity today. [25]
- 8 Explain why there has been an increase in the use of administrative tribunals and discuss the disadvantages of their use. [25]
- 9 All contracts are agreements but there are many agreements which are not contracts. Discuss this statement and consider what is necessary for a valid contract. [25]
- 10 Delegated legislation is only acceptable if it is strictly controlled. Discuss. [25]