



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

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LAW

9084/12

Paper 1 Structure and Operation of the English Legal System

May/June 2010

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper

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 **three** 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.

This document consists of **2** printed pages.



Answer **three** questions.

- 1 Kerry is on her lunch break from the Pick-a-Chick factory, eating her sandwiches on a grass verge at the side of the road. Jason drives his car at excessive speed along the road. The car mounts the verge and collides with Kerry. One of her legs is broken and she is unable to return to work for six months.

Consider critically the role of both the civil and criminal courts in dealing with this situation. [25]

- 2 'The fight against crime is being undermined by judges and magistrates who fail to ensure that tough penalties set down in law are imposed in the courts.'

To what extent do you think that deterrence should play a part in the sentencing process? Are there other considerations that the court should bear in mind when arriving at a sentence? [25]

- 3 'The system of equity is a very great system.' (Charles Dickens in *Bleak House*).

With reference to decided cases, analyse the extent to which this statement can be substantiated. [25]

- 4 'We believe in this country, in our criminal law, that the best tribunal to get at the truth of the facts and decide them is a jury of twelve people, called by chance from their various and different occupations and homes into the jury-box to hear the evidence and, subject to being assisted by counsel and directed by the court, to come to a conclusion.'

– Finmore J. in *R v Christie* (1953)

With reference to the above quotation, evaluate the strengths and weaknesses of the jury system in criminal cases. [25]

- 5 'An appeal to the House of Lords involves questions of great public importance.'

Consider critically the role of the House of Lords in the hierarchy of the courts. With reference to decided cases, discuss the circumstances in which an appeal can be made to the House of Lords. [25]

- 6 'To be a barrister or solicitor? These days, the question is harder than ever.'

Assess critically whether the existence of a divided legal profession can still be justified. Does the present system present any problems for a student wishing to embark on a legal career? [25]