



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

**LAW**

**9084/22**

Paper 2 Data Response

**May/June 2011**

**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.

You may use a soft pencil for any diagrams, graphs or rough working.

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 **3** printed pages and **1** blank page.



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

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

- 1 Jamal is a self-employed computer technician. He owns a car which he uses for his job. He receives a letter from the police which states that his car was caught by a speed camera on a road entering a town which has a speed limit of 30 miles per hour and he was driving at 45 miles per hour. In the letter the police ask him for the identity of the driver of his car. Jamal is prosecuted under the Road Traffic Act 1988 s.172(3).
- (a) What is Jamal required to do under the Act? [10]
- (b) Has Jamal a valid defence if he states that he was not driving because his car had been stolen by some youths and it was one of them that was driving the car? [10]
- (c) Has Jamal a valid defence if he refuses to disclose the name of his friend who was in fact driving the car, taking his father to hospital in an emergency? [10]
- (d) This is a summary offence so Jamal's case will be heard in the Magistrate's Court. Discuss the possible methods of appeal that may be open to Jamal if he is found guilty. [20]

### Source material

#### Road Traffic Act 1988

- s.172 (2) Where the driver of a vehicle is alleged to be guilty of an offence to which this section applies:
- (a) the person keeping the vehicle shall give such information as to the identity of the driver as he may be required to give by or on behalf of a chief officer of police;
- (b) any other person shall if required as stated above give information which it is in his power to give and may lead to identification of the driver.
- (3) Subject to the following provisions, a person who fails to comply with a requirement under subsection (2) above shall be guilty of an offence.
- (4) A person shall not be guilty of an offence by virtue of paragraph (a) of subsection (2) above if he shows that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle was.

- 2 Sadie Jones lives in a large house Honeysuckle Cottage which is situated by the sea. She finds that it is far too big for her as her husband died two years ago and all her children have grown up and left home. Her friends Davina and Michael Scott come to stay and they tell Sadie that they want to buy her house. They discuss it over a meal. Michael knows that contracts about land must follow certain formalities and he finds a piece of paper and writes down:

*Davina and Michael Scott agree to buy Honeysuckle Cottage from Sadie Jones for £500 000.*

Michael signs it and so do Davina and Sadie.

One week later Sadie's cousin Freda Smith comes to visit and when she finds out that Sadie is selling her house she says she would like to buy it. Freda writes on a piece of paper:

*Freda Smith agrees to buy Honeysuckle Cottage for £520 000.*

Neither Sadie nor Freda Smith signs this second piece of paper.

- (a) Consider whether Sadie is bound to sell the house to Michael and Davina. [10]
- (b) How would your answer differ if Sadie had not signed the first piece of paper? [10]
- (c) How would your answer differ if Michael had written the contract on two pieces of paper? [10]
- (d) If Sadie agrees to sell the house to Freda discuss the legal process for Michael and Davina to challenge this. What alternatives exist to taking the issue before a court? [20]

## Source material

### Law of Property (Miscellaneous Provisions) Act 1989

- s.2 (1) A contract for the sale or other disposition of an interest in land can only be made in writing and only by incorporating all the terms which the parties have expressly agreed in one document or, where contracts are exchanged, in each ...
- (2) The terms may be incorporated in a document either by being set out in it or by reference to some other document.
- (3) The document incorporating the terms or, where contracts are exchanged, one of the documents incorporating them (but not necessarily the same one) must be signed by one or on behalf of each party to the contract.

### Firstpost Homes Ltd v Johnson [1995] 1 WLR 1567

In this case the buyer had prepared a letter for the seller to sign: the buyer's name was typed at the top of the letter. The buyer had signed the plan mentioned in the letter but not the actual letter itself and it was held that there was no contract because the plan did not refer to the letter. If two documents are to be used then the first must refer to the second document.

It was held that the contract must be contained in one contract.

