



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

LAW

9084/02

Paper 2 Data Response

May/June 2007

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 (a) In each of the following situations the parties involved do not want to go to court. Discuss the alternative methods of resolving their disputes.
- (i) Hazel and Farouk have been married for ten years. Recently the marriage has become unhappy and Hazel wants to get a divorce from Farouk. They have two small children and Farouk wants to be able to see them as much as possible. [10]
 - (ii) Shanaz has been employed by a local car manufacturer for five years. She is going to have a baby. When she notifies her employers she is instantly dismissed. She seeks reinstatement of her position or compensation. [10]
 - (iii) Marvin and Carole have just returned from a holiday in Spain. They have a number of complaints. The hotel was a long way away from the beach but had been advertised as within walking distance; the food at the hotel was of a very poor standard; there was no entertainment in the evening although it had been promised in the brochure and their room was not properly cleaned each day. They would like to obtain compensation from the hotel. [10]
- (b) Discuss reasons why alternative methods of dispute resolution have increased in popularity. [10]

Source 1.1

Alternative Dispute Resolution: A Discussion Paper, Lord Chancellor's Department

'... Alternative Dispute Resolution techniques have evolved to meet perceived defects in more formal procedures. They therefore often reflect the principles that civil justice should be proportionate to the problems people have, speedy and responsive and understandable to users generally, and to particular groups or sections of the community. The supporters of ADR point to real improvements for the customer in some kind of case, either because processes are simpler, cheaper or quicker than using the court system, or because they are less stressful or less damaging Here, the last ten years have seen the accelerating development of ADR schemes of widely differing kinds, in different areas, for different purposes. This ranges from the use of arbitration in large commercial and construction disputes, and the development of court-based schemes, to mediation schemes to deal with neighbour disputes, often set up by local authorities as part of an overall strategy to improve estates and areas.'

Source 1.2

Tribunals Service: About Employment Tribunals

Employment Tribunals hear claims about matters to do with employment. These include unfair dismissal, redundancy payments and discrimination. We also deal with a range of claims relating to wages and other payments. You can get a full list, called a jurisdiction list, from any local tribunal office or the Employment Tribunals public enquiry line on 0845 895 9775.

If you are not sure that your complaint is one that an Employment Tribunal can deal with, contact the public enquiry line or Acas who will be able to help.

An Employment Tribunal is like a court but it is not as formal; for example, nobody wears a wig and gown. However, like a court it must act independently and cannot give legal advice. Almost all hearings are open to the public.

- 2 (a) Hattie has often suffered violence from her husband Vince. He frequently hits her for no reason and criticises her cooking and the way she looks. She tells her sister that she can take this no longer and if he abuses her once more she will not be responsible for what she does. The following day she made him his favourite curry and he told her it tasted horrible. She went to the kitchen, took a frying pan and beat him over the head, inflicting fatal injuries. Explain whether Hattie can successfully defend a charge of murder. [10]
- (b) Manuel is mentally ill and suffers from delusions and he is being cared for at a hospital in Central London. He persuades Carmen, a nurse who has fallen madly in love with him, to obtain a small amount of poison with which he can kill his wealthy mother. When his mother next comes to visit him he puts the poison into a cup of tea that he has bought her from a vending machine. His mother later dies in agony from the poison.
- (i) Manuel believes that he has heard voices in his head telling him to murder his mother. Consider whether he has a valid defence to a charge of murder. [10]
- (ii) Before the trial at the Crown Court Carmen tells her solicitor that she had been driven mad by her love for Manuel. Has Carmen got a valid defence to a charge of murder? [10]
- (c) Explain the procedure for bringing murder and other serious criminal cases to trial in the criminal courts. [20]

Source 2.1

Homicide Act 1957

s.2

(1) Diminished Responsibility

Where a person kills another he shall not be convicted of murder if he were suffering from such abnormality of mind ... as substantially impaired his mental responsibility for his acts or omissions in doing or being a party of the killing

- (2) On a charge of murder it will be for the defence to prove that a person charged is by virtue charged not liable to be convicted of murder
- (3) A person who but for this section to be convicted of murder shall be liable instead to be convicted of manslaughter

s.3 Provocation

where on a charge of murder there is evidence on which the jury can find that the person charged was provoked to lose his self control the question whether the provocation was enough to make a reasonable man do as he did shall be left to be determined by the jury and in determining that question the jury shall take into account everything both done and said according to the effect which it would have on a reasonable man.

Source 2.2

R v Thornton [1996] Crim App Reports 112

A wife suffered frequent abuse at the hands of her husband and was able to successfully raise the defence of provocation to a charge of murder.

It was held that a jury might more easily find that there was a sudden loss of self control triggered even by a minor incident where the defendant had endured abuse over a period on a last-straw basis.

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