



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

LAW

Paper 2 Data Response

9084/21

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.

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** The Secretary of State for Education has made Regulations regarding the financial benefits that students can claim from the State and the hours of employment that they can work. The Regulations specify that students cannot work for more than 12 weeks in a year without losing part of their government student funding. The decision of the relevant education officer is final. The students claim that the Regulations are unreasonable and make it impossible for many students to remain in higher education. Students argue that it infringes their basic right to improve their lives by discriminating against those who are on low incomes.
- (a) Identify the type of legislation which the students seek to challenge. Give other examples of this type of legislation. [10]
 - (b) Are the students able to challenge this legislation and what will be the grounds? [10]
 - (c) What controls should have been exercised over the use of the Secretary of State's powers? [10]
 - (d) Critically discuss the role of delegated legislation today. [20]

Source material

R v Home Secretary, ex parte Fire Brigade Union [1995]

Changes made by the Home Secretary to the Criminal Injuries Compensation scheme were held by the House of Lords to have gone beyond the power given to him in the Criminal Justice Act 1988.

R v Secretary of State for Education and Employment ex parte National Union of Teachers [2000]

A High Court judge ruled that a statutory instrument setting conditions for appraisal and access to higher rates of pay for teachers was beyond the powers given under the Education Act 1996. In addition the procedure used was unfair as only four days had been allowed for consultation.

- 2 (a) Fouz walks out of her local supermarket without paying for a number of items. Giving reasons for your conclusion, can she be lawfully arrested by any of the following?
- (i) A police officer. [10]
 - (ii) A security guard at the supermarket. [10]
 - (iii) A member of the public. [10]
- (b) Critically discuss the rights of an individual on arrest and whilst in custody at the police station. Do you think an individual's rights are adequately protected in this situation? [20]

Source material

Section 24 Police and Criminal Evidence Act 1984

Arrest without warrant: Constables

[1] A constable may arrest without warrant:

- a] anyone who is about to commit an offence;
- b] anyone who is in the act of committing an offence;
- c] anyone whom he has reasonable grounds for suspecting to be about to commit an offence;
- d] anyone whom he has reasonable grounds for suspecting to be committing an offence.

[2] If a constable has reasonable grounds for suspecting that an offence has been committed, he may arrest without warrant anyone whom he has reasonable grounds to suspect of being guilty.

Section 24 [A] Arrest without warrant: other persons.

[1] A person other than a constable may arrest without warrant:

- a] anyone who is in the act of committing an indictable offence;
- b] anyone whom he has reasonable grounds for suspecting to be committing an indictable offence;

[2] Where an indictable offence has been committed, a person other than a constable may arrest without warrant:

- a] anyone who is guilty of the offence;
- b] anyone whom he has reasonable grounds for suspecting to be guilty of it.

[3] But the power of summary arrest conferred by subsection [1] or [2] is exercisable only if –

- a] the person making the arrest has reasonable grounds for believing that for any of the reasons mentioned in subsection [4] it is necessary to arrest the person in question;
- and
- b] it appears to the person making the arrest that it is not reasonably practicable for a constable to make it instead.

[4] The reasons are to prevent the person in question –

- a] causing physical injury to himself or any other person;
- b] suffering physical injury;
- c] causing loss of or damage to property; or
- d] making off before a constable can assume responsibility for him.

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