



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

LAW

9084/23

Paper 2 Data Response

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 Ahmed is employed by a building supply firm 'Bricks and Stones'. His employers have forbidden him to carry passengers whilst delivering supplies.
- (a) One day, after delivering bricks and on his way home, Ahmed sees a pedestrian, Harry, on the side of a road and offers him a lift because it is raining very hard. He is involved in a traffic accident and Harry is injured. Discuss who might be liable for Harry's injuries. [10]
- (b) On another day, Ahmed injures a fellow workman whilst driving a forklift truck too fast in the warehouse of Bricks and Stones. Discuss who might be liable for this accident. [10]
- (c) Explain what is meant by the ratio decidendi of a case. What is the ratio decidendi of *Twine v Bean's Express* [1946]? [10]
- (d) Discuss the effect of a decision in the House of Lords on later cases. [20]

Source material

Century Insurance Co Ltd v Northern Ireland Transport Board [1942]

A driver of a petrol tanker whilst delivering petrol to a petrol station carelessly threw down a lighted match which caused an explosion. The House of Lords held the employer liable because the driver was in the course of his employment and was merely doing his work negligently.

Twine v Bean's Express [1946]

A hitch hiker was injured through the negligence of a driver who had been forbidden to give lifts. The employers were not liable for the injuries caused to the hitch hiker because the injury was not suffered whilst in the course of employment.

(Hitch hiker – a person who travels by getting free rides from passing vehicles)

Limpus v London General Omnibus Company [1862]

Bus drivers were told they must not race each other. When the drivers did so the claimant was injured. The employers were held to be vicariously liable. The drivers were authorised to drive buses but not in the way that they did so.

2 Janice has just bought a house with a very large garden. One day she is digging in a flower bed when she finds a number of coins and buttons which look old to her. She wants to keep them for herself. She cleans them and they appear to be made of gold or some other metal.

(a) Advise Janice whether the following items are treasure:

- (i) Twelve coins which are not made of gold or silver but are over 300 years old
- (ii) A button made of silver which is 300 years old.

[10]

(b) What steps must Janice take if she believes the items are treasure?

[10]

(c) Explain whether Janice can claim a reward for herself.

[10]

(d) Discuss the main **rules of language** of statutory interpretation which may assist a judge when a statute is not clear.

[20]

Source material

Treasure Act 1996

s.1[1] Treasure is –

a] any object at least 300 years old when found which –

b] [i] is not a coin but has a metallic content of which at least 10% by weight is precious metal;

[ii] when found is one of at least two coins in the same find which are at least 300 years old at that time and have that percentage of precious metal; or

[iii] when found is one of at least ten coins in the same find which are at least 300 years old at that time.

s.3 precious metal means gold or silver.

s.8 [1] a person who finds an object which he believes or has reasonable grounds for believing is treasure must notify the coroner for the district in which the object was found.

[3] any person who fails to comply with subsection [1] is guilty of an offence.

s.10 [1] this section applies if treasure is to be transferred to a museum.

[2] the Secretary of State must determine whether a reward is to be paid by the museum before the transfer.

[3] if the Secretary of State determines that a reward is to be paid, he must also determine, in whatever way he thinks fit –

(a) the treasure's market value;

(b) the amount of the reward.

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