

General Certificate of Education
June 2003
Advanced Level Examination



LAW
Unit 4

LAW4

Friday 13 June 2003 Afternoon Session

In addition to this paper you will require:
a 12-page answer book.

Time allowed: 1 hour 15 minutes

Instructions

- Use blue or black ink or ball-point pen.
- Write the information required on the front of your answer book. The *Examining Body* for this paper is AQA. The *Paper Reference* is LAW4.
- Answer **one** question from two on the theme you have studied for this unit.
- Do all rough work in the answer book. Cross through any work you do not want marked.
- Use continuous prose. Give reasoned answers. Where appropriate, make reference to authority.

Information

- The maximum mark for this paper is 85.
- Mark allocations are shown in brackets.
- You will be awarded up to 10 marks for the quality of your written communication. You will be assessed on your ability to use an appropriate form and style of writing, to organise relevant information clearly and coherently, and to use specialist vocabulary, where appropriate. The degree of legibility of your handwriting and the level of accuracy of your spelling, punctuation and grammar will also be taken into account.

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Answer **one** question from two on the theme you have studied for this unit.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to authority.

Read the scenario and answer **all** parts of the question which follows.

Criminal Law (Offences against the Person)

1

Total for this question: 75 marks

Adrian became friendly with Bill, who had had treatment over the years for bouts of schizophrenia and often forgot to take the medication prescribed for him. They got into the habit of behaving in an anti-social manner. This included the making of a telephone call by Adrian to his 75-year-old neighbour, Connie, to tell her that he was coming to eat her cat. Connie was very frightened. Adrian convinced Bill that they should enter into a “blood pact”. This involved Adrian carving his initials into Bill’s arm. Bill made no attempt to cover the knife cuts or to get any treatment. When, eventually, he went to hospital, it was discovered that he had suffered a serious infection and that his arm was now partly paralysed.

Subsequently, Bill’s behaviour became even more outrageous. He told Adrian that he was going to walk along the balcony of his third floor flat, which overlooked a busy street, and would “fly” if he overbalanced. After almost falling off twice, he suddenly overbalanced when halfway along, and fell onto Dan, a small child who was in a pushchair. Bill suffered only minor injuries but Dan was killed by the impact.

- (a) Discuss Adrian’s criminal liability arising out of the incidents with Connie and Bill. *(25 marks)*
- (b) Discuss Bill’s criminal liability for the death of Dan. *(25 marks)*
- (c) Select any **two** aspects of the law on offences against the person which you believe are unsatisfactory. Explain the reasons for your belief. (You may relate your answer to homicide, or to non-fatal offences, or to both.) *(25 marks)*

2

Total for this question: 75 marks

Eric had recently been very unhappy because his wife had been having an affair with Greg. When he left work, carrying his toolbag with him, he went along to a beer festival being held in a small park. As Eric got his first pint of beer, he was suddenly aware that Harry, the person standing next to him but whom he did not know, had begun throwing bottles full of beer over his shoulder and high into the air. In trying to avoid being hit by one of the bottles, Imran stepped heavily onto Jane's foot and badly bruised it. Another bottle struck Kamran full in the face as he looked up. The blow knocked out one of his teeth, loosened others, and broke his cheekbone. When Harry was examined later, he was semi-conscious and was found to have drunk a lot of beer.

In the commotion that followed, everyone was angry and confused, and Eric was at first blamed for throwing the bottles. He was very frightened and ran out of the park, chased by a number of men. Eventually, they split up to try to find Eric, who by now was becoming very tired. Eric took a hammer out of his toolbag but then tried to hide. As he did so, Greg (who did not realise that the person whom he was chasing was Eric) came round the corner, and Eric immediately hit him a swinging blow with the hammer just above the ear. As Greg fell to the ground, Eric saw who he was, became instantly enraged and kicked his head viciously. Greg died from the effects of the two blows.

- (a) Discuss Harry's criminal liability resulting from throwing the bottles. *(25 marks)*
- (b) Discuss Eric's criminal liability for the death of Greg. *(25 marks)*
- (c) How satisfactory is the current law on murder? *(25 marks)*

TURN OVER FOR THE NEXT QUESTION

Turn over ►

Contract Law

3

Total for this question: 75 marks

Houseowners in Larry's neighbourhood were very concerned that the value of their houses would be reduced by the poor state of repair of Larry's house and the appalling condition of his garden. Eventually, Mike, Larry's closest neighbour, promised to paint Larry's house if Larry would promise to repair the garden fence and tidy the garden. Larry agreed to do so. Knowing nothing of this agreement, Nazia, another neighbour, said that she would give Larry £200 towards house improvements if he repaired the garden fence and tidied the garden. Larry did the work on the fence and the garden but, by that time, Mike and Nazia had discovered what had happened. Mike refused to paint the house and Nazia refused to pay any money.

Mike arranged for Oz to demolish and re-build his (Mike's) brick garage, making it bigger. The day before the work was due to begin, a gas canister stored in the garage exploded and reduced most of the garage to rubble. Mike had previously mentioned to his wife that he thought he could smell gas but he had then put it out of his mind. Mike told Oz that he no longer wanted him to do any work because he proposed simply to create a covered car port. Oz was furious because he had already spent £500 buying materials and hiring equipment, and had turned down another job on which he could have made a profit of about £800.

- (a) Consider whether Larry has any legal rights and remedies against Mike and Nazia. *(25 marks)*

- (b) Taking account of the rules on termination of contracts by frustration and by breach, consider the rights, duties and remedies of Mike and Oz in connection with the work on the garage. *(25 marks)*

- (c) Outline and critically evaluate the rules in any **one** of the three vitiating factors in contract (mistake, misrepresentation, duress/undue influence). *(25 marks)*

4

Total for this question: 75 marks

Oldworld published advertisements in national newspapers offering for £50 a book of photographs of historic houses. The advertisement also said that anyone who ordered the book by post not later than the 31st of the month could enter a competition in which the winners would receive free copies of five further books to be published during the next two years. The competition involved ranking six historic houses in the same order as Oldworld's expert panel according to specified criteria. All those who made the same selection as the panel would be winners. In reality, rather than allow the panel to rank the houses independently, Oldworld intended to examine all the entries and then to select the rank order that would ensure that the least number of competitors won.

Penny lived in the city where Oldworld's main office was located and, rather than post her order for the book and her competition entry, she went to the office on the 29th and put her envelope through the letterbox. Romana posted her order and competition entry and they were received on the 30th. Oldworld took Penny's payment and supplied her with the book, but refused to accept her competition entry on the grounds that it had not been posted, as required. Eventually, Oldworld announced only three winners of the competition. Romana did not win, and later realised that she did not want the book she had bought.

- (a) Consider whether Penny has any rights and remedies in connection with Oldworld's refusal to accept her competition entry. *(25 marks)*
- (b) Taking account of the rules on misrepresentation, consider whether Romana can take any action against Oldworld in connection with the book that she no longer wants. *(25 marks)*
- (c) Outline and critically evaluate the rules in any **one** of the three elements which must be proved to establish a valid contract (offer and acceptance, consideration, intention to create legal relations). *(25 marks)*

END OF QUESTIONS