

General Certificate of Education
January 2004
Advanced Level Examination



LAW
Unit 4

LAW4

Monday 19 January 2004 Morning 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.

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

Unknown to Alan, whilst he was out celebrating with his friends, someone slipped a drug into his drink. Going into a crowded underground station on his way home some time later, he suddenly felt a great rush of energy. He pushed people around him out of his way and this created a surge of movement amongst those in front, which resulted in Bob falling from the platform. Initially, Bob avoided the electrified line but, in panic when he heard the sound of an approaching train, he tried to jump up onto the platform again but fell back onto the electrified line and was killed.

Alan was identified and chased by other members of the public, including Chris and Dave. Alan hit Chris and gave him a black eye. Dave then wrestled Alan to the ground and Alan's elbow ligaments were badly damaged in the struggle. Whilst Alan was sitting on the floor nursing his injury, Chris caught him with a swinging blow to the face. Chris was wearing a ring which ripped across Alan's cheek, causing it to bleed heavily.

- (a) Discuss Alan's criminal liability for the death of Bob. *(25 marks)*
- (b) Discuss the criminal liability of Alan, Chris and Dave arising out of the incidents during the chase. *(25 marks)*
- (c) Discuss the suggestion that reform of the current law on involuntary manslaughter is unnecessary because it is easy to understand and it correctly identifies the conduct which should be punished as unlawful homicide. *(25 marks)*

2

Total for this question: 75 marks

From an early age, Eric had been obsessed with the welfare of animals and he had long believed that all pet shop owners were evil. Recently, he had become convinced that the animals in Fred's pet shop were pleading with him personally to free them from Fred's cruelty. He sent a number of e-mail messages to Fred, one typical example of which read, "I am watching you every minute. You cannot escape. I can get you any time I like." Fred was afraid to go out and began to suffer from severe depression.

Late one night, Eric was out walking his dog when Geoff, who knew of Eric's obsession with animals and had often taunted him about it, walked past him making gestures as if he were intending to kill and eat the dog. Eric chased Geoff onto a bridge over a dried-up riverbed and forced him to fall some 10 metres to the ground below. Eric then walked off despite the fact that he could see that Geoff had not got up. In fact, Geoff had broken his back and was not discovered until the next morning, by which time he had died from the injuries and the shock that they had caused.

- (a) Discuss Eric's criminal liability in connection with the incidents involving Fred. *(25 marks)*
- (b) Discuss Eric's criminal liability for the death of Geoff. *(25 marks)*
- (c) Relating your answer **either** to unlawful homicide **or** to non-fatal offences against the person, discuss the major weaknesses in the current law. *(25 marks)*

TURN OVER FOR THE NEXT QUESTION

Turn over ►

Contract Law

3

Total for this question: 75 marks

Helen asked her sister-in-law, Iris, if she would like to buy for £90 a TV set that was an unwanted wedding present. Iris said that she would not want a TV without teletext and Helen said that the TV set did have teletext. When she said this, she had not examined the set and she just assumed that all modern TV sets had teletext. In fact, the TV set did not have teletext. Iris said that she was not sure whether it was worth the price, so Helen told her that she could have a week to think about it. However, two days later, Helen placed an advertisement in the local newspaper, offering a cash sale of the TV set at £90. Iris saw the advertisement. The next day, Iris left an envelope at Helen's house containing a cheque for £90 and a note stating that she had decided that she wanted the television, after all.

- (a) Assume that Helen refused to sell the TV set to Iris. Consider whether a contract was formed between Helen and Iris for the sale and purchase of the TV set. *(25 marks)*
- (b) Assume that Helen did sell the TV set to Iris. Taking account of the rules **both** on misrepresentation **and** on breach of contract, discuss Iris's rights arising out of the fact that the TV did not have teletext. *(25 marks)*
- (c) Consider whether the rules of law **either** on mistake **or** on misrepresentation adequately protect those who enter into agreements in consequence of a mistake **or** misrepresentation. *(25 marks)*

4

Total for this question: 75 marks

Jane owned a souvenir gift shop in a rural tourist area. Jane's father, Ken, tried to help her to improve the business by engaging Leo to re-fit the shop for £3000. After removing the existing fittings, Leo told Ken that he could not finish the work for the price agreed and would need an extra £700 to complete it. Ken agreed to pay the extra money. However, Ken subsequently changed his mind and refused to pay. Leo then refused to complete the work.

Jane contracted with Mike for Mike to design and supply advertising leaflets which were to be distributed to various outlets in the area. The price agreed was £500. Jane made an immediate payment of £100 and the remainder was payable when the leaflets were supplied. Mike had already spent £150 on materials and had prepared the designs when a serious animal infection spread throughout the area. The Government imposed severe restrictions on movement in the area and the tourist trade collapsed for that season. Jane told Mike that she now had no use for the leaflets and would not pay him anything.

- (a) Discuss the rights, duties and remedies of Ken, Leo and Jane in connection with the re-fitting of the shop. *(25 marks)*
- (b) Taking account of the rules **both** on frustration **and** on breach of contract, consider Mike's rights and remedies following Jane's refusal to accept and pay for the leaflets. *(25 marks)*
- (c) Select any **two** aspects of the rules of law on the formation of a contract (drawn from any one or more of offer and acceptance, consideration, and intention to create legal relations) which you believe are unsatisfactory. Explain the reasons for your belief. *(25 marks)*

END OF QUESTIONS