

General Certificate of Education
January 2005
Advanced Level Examination



LAW **LAW4**
**Unit 4 Criminal Law (Offences against the Person)
or Contract Law**

Wednesday 19 January 2005 Morning Session

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

Ali, who was aged 55, had been on bad terms with Bill, aged 32, over an alleged attack by Ali on Bill's young daughter. By chance, they found themselves together in the house of a mutual friend. Bill was heard to say, "I am going to do that pervert." Shortly afterwards, encouraged by his friend, Colin, Bill began punching and kicking Ali. As he was falling to the floor, Ali took a knife from his pocket and slashed Bill's arm. Bill reeled backwards, bleeding heavily.

Ali, who was suffering from a broken nose and broken ribs, got up and followed Colin out of the house. As Colin turned to face him, Ali screamed with rage and thrust the knife into Colin's groin. Colin staggered away and collapsed in an alleyway. Some minutes later, Derek, a qualified first-aider, passed by and saw Colin. Having tried to make Colin comfortable and having promised to get help, Derek panicked and went away without doing anything. Colin bled to death.

- (a) Discuss Bill's criminal liability for the injuries to Ali, and Ali's criminal liability for the injury to Bill. *(25 marks)*
- (b) Discuss Ali's liability for the murder of Colin, and discuss Derek's liability for the manslaughter of Colin. *(25 marks)*
- (c) What criticisms would you make of the current law of homicide? *(25 marks)*

2

Total for this question: 75 marks

Ernie had become convinced that everyone was plotting against him. He appeared in his garden, shouting and waving an axe as Fiona passed by along the road outside. Fiona was very shaken and suffered from panic attacks for some time afterwards. Ernie believed that his neighbour, Gill, was instructing her cat to attack him. When he saw the cat sitting on his fence, he rushed into the garden and threw his axe at the cat. The axe missed the cat but bounced off the fence and struck Gill, who was standing nearby. Gill suffered a broken cheekbone and a deep cut across her face.

Hari was a diabetic who had taken his insulin, but had not been eating as regularly as his doctor had advised. As he was riding his bicycle, he suddenly mounted the pavement and cycled towards Irene, an 80-year-old woman, who was waiting to cross the road. In a panic to avoid him, Irene stepped into the road instead of moving to the back of the pavement. She was struck and killed by a passing lorry. Shortly afterwards, Hari was found semi-conscious, suffering from the effects of the insulin and lack of food.

- (a) Discuss the criminal liability of Ernie arising out of the incidents involving Fiona and Gill. *(25 marks)*

- (b) Discuss Hari's liability for involuntary manslaughter in connection with Irene's death. *(25 marks)*

- (c) What criticisms would you make of the current law on non-fatal offences against the person? *(25 marks)*

TURN OVER FOR THE NEXT QUESTION

Turn over ►

Contract Law**3****Total for this question: 75 marks**

Jay sometimes had a drink with Karl, a property developer. Karl mentioned that he needed some heavy iron gates removed by next weekend from a house about to be redeveloped. He told Jay that he could have them free of charge if Jay promised to remove the gates. Jay readily agreed. He then rang a number of van-hire companies to enquire about hire prices, and arranged to hire a van from Laura, who quoted the cheapest daily rate.

Having paid £150 to hire the van for two days, Jay turned up at the house only to discover that the work had already commenced, and that the gates had been removed and sold. Jay then discovered that he could have hired a van for £40 less for the two days from other hirers. It had not been made clear to him that the favourable price quoted by Laura was based on a weekend hire of three days.

- (a) Consider whether Jay and Karl made a contract in respect of the iron gates, and consider the rights and remedies which may be available to Jay. *(25 marks)*
- (b) Having regard to the rules of misrepresentation, consider the rights and remedies which may be available to Jay against Laura. *(25 marks)*
- (c) Agreement is an essential aspect in the formation of a contract. How satisfactory are the rules which determine when an agreement has taken place? *(25 marks)*

4

Total for this question: 75 marks

Mildrive, manufacturers of weapons systems for export, required an additional machine to increase manufacturing capacity. Newform advertised a suitable machine in the trade press for sale at £20 000. Mildrive sent a fax stating that they wanted the machine and were prepared to pay in four instalments of £5000 each. Newform replied by letter, confirming the sale and the payment details. However, an unofficial postal strike delayed delivery of the letter for seven days.

Mildrive assumed that Newform was unwilling to enter into a contract for the sale of the machine and arranged instead to buy an identical machine from Planright for £22 000. Mildrive paid a deposit of £1000, the remainder to be paid upon delivery. Shortly after Planright had dismantled the machine, packed it in crates and arranged for delivery by road transport, the Government secured the enactment of emergency regulations which prohibited with immediate effect the manufacture and export of the relevant weapons systems.

- (a) Consider what rights and remedies, if any, are available to Newform in connection with the possible contract for the sale of the machine to Mildrive. *(25 marks)*
- (b) Having regard to the relevant rules on termination of a contract by frustration **and** by breach, consider the rights and remedies which may be available to Mildrive and to Planright in connection with the contract for the sale of the machine. *(25 marks)*
- (c) Outline and comment critically on the rules on **either** misrepresentation **or** mistake in contract. *(25 marks)*

END OF QUESTIONS