

General Certificate of Education
January 2007
Advanced Subsidiary Examination



LAW
Unit 3 The Concept of Liability

LAW3

Monday 15 January 2007 1.30 pm to 2.30 pm

For this paper you must have:

- an 8-page answer book.

Time allowed: 1 hour

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 LAW3.
- Answer **both** questions.
- Do all rough work in the answer book. Cross through any work you do not want to be marked.
- Give reasoned answers. Where appropriate, make reference to authority.

Information

- The maximum mark for this paper is 65.
Five of these marks will be awarded for using good English, organising information clearly and using specialist vocabulary where appropriate.
- The marks for questions are shown in brackets.

Answer **both** questions.

Give reasoned answers. Where appropriate, make reference to authority.

Read the scenarios and answer **all** parts of the questions which follow.

Criminal Law

Total for this question: 25 marks

- 1 Alan was reversing his lorry into a narrow entrance to park against a wall. He suddenly heard people standing on the pavement shout, "Stop!" Alan stopped immediately and looked to see what the fuss was about. He found that he had trapped Denis against the wall. When he saw that it was Denis, he shouted, "I hate you, you can stay there!" He kept Denis trapped against the wall for several minutes and then drove off. As a result, Denis suffered a fractured spine and was permanently paralysed.
- (a) Criminal offences usually require both *actus reus* and *mens rea*. Explain, using examples, the meaning of these **two** terms **and** the principle that these two must coincide (the contemporaneity rule). (15 marks)
- (b) Taking into account the explanations in your answer to part (a), and ignoring any possible driving offences, discuss the criminal liability of Alan for the injuries caused to Denis. (10 marks)

Tort

Total for this question: 35 marks

- 2 Pat was driving her car and stopped at a set of red traffic lights. Reuben was driving a van behind Pat. He failed to notice that Pat had stopped and drove into the back of her car. Pat was uninjured, but her passenger, Tariq, suffered a severe neck injury and was unable to work as a self-employed dancer for three months.
- (a) For Pat or Tariq to succeed in a claim for negligence against Reuben, **duty**, **breach** and **damage** will have to be proved.
- (i) Briefly explain the rules relating to **duty of care**, and consider whether **Reuben** owes a duty of care to **Tariq**. (10 marks)
- (ii) Outline the meaning of the terms **breach** and **damage**, and consider how they may apply in this situation. (15 marks)
- (b) Assuming Reuben were found to be liable in negligence, explain how the court would calculate an award of damages to **both** Pat **and** Tariq. (10 marks)

END OF QUESTIONS