



General Certificate of Education
Advanced Level Examination
June 2010

Law

LAW03

Unit 3 Criminal Law (Offences against the Person) or Contract Law

Thursday 17 June 2010 1.30 pm to 3.00 pm

For this paper you must have:

- a 12-page answer book.

Time allowed

- 1 hour 30 minutes

Instructions

- Use black ink or black 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 LAW03.
- Choose **one** scenario from two on the theme you have studied for this unit. Answer all **three** questions on the scenario you choose.
- Do all rough work in your answer book. Cross through any work you do not want to be marked.
- Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Information

- The marks for questions are shown in brackets.
- The maximum mark for this paper is 80.

In Questions

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 marks will be awarded for Assessment Objective Three (AO3), and so you will be marked on your ability to:

- use good English
- organise information clearly
- use specialist vocabulary where appropriate.

Choose **one** scenario from two on the theme you have studied for this unit.
Read the scenario and answer all **three** questions.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Criminal Law (Offences against the Person)

Total for this scenario: 80 marks

Scenario 1

Aaron and his brother, Benjamin, decided to take their families to have a barbecue in a picnic area near a river. Chris, Aaron's son, and David, Benjamin's son, who were both aged 13, went off into the woods, pretending to be knights. During the course of a 'sword' fight with tree branches that they had picked up, Chris became a little annoyed that he had twice been hit on the arm. Chris suddenly swung his branch very powerfully whilst David was slightly off balance. The branch hit David full in the face, causing bruising to his cheek and his nose to bleed a lot. When Benjamin heard what had happened, he began to argue with Aaron and then pushed him. In trying to stop himself falling over, Aaron put his hand into the very hot barbecue coals and suffered serious burns.

During this time, Aaron had forgotten that his other son, Eli, who was five years old, had also run off into the woods, in the direction of the river. Eli happened to wander past Fred, who was sitting by a tree with his dog. Fred had just taken some drugs. When Eli refused to talk to Fred, Fred let his dog off the leash and the dog chased Eli. Terrified, Eli ran along the riverbank, stumbled, and fell into the river. The water was fast flowing and cold, and Eli rapidly drowned.

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 Discuss the criminal liability of Chris for the injuries to David, and the criminal liability of Benjamin for the injuries to Aaron. *(25 marks + 5 marks for AO3)*
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 Discuss the liability of Fred and of Aaron for the involuntary manslaughter of Eli. *(25 marks)*
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 Write a critical analysis of the current law on the non-fatal offences against the person. Include in your analysis a discussion of what reforms might be desirable. *(25 marks)*

Total for this scenario: 80 marks

Scenario 2

George and Henry were working as security guards late at night, supervising the queue at a taxi rank in the centre of town. The queue was noisy and menacing, with complaints that George and Henry were favouring their friends. Ian, who was very drunk, spat on George and waved a bottle of beer above his head. George responded by gripping Ian by the arm and throwing him to the ground. As Ian fell, the bottle broke beneath him and he suffered a deep cut to his face.

A few days later, Ian's close friend, John, who had witnessed Ian being injured in the taxi queue, saw Henry getting into his car. He ran to the car, banged on the passenger door and roof, and shouted abuse at Henry. Henry merely laughed and made a rude gesture at him. Henry then sped off, but came back in John's direction, having negotiated a roundabout. As Henry drove past, John picked up a brick and threw it at the car. The brick entered the open window of Henry's car and struck him in the face. Henry lost control of the car and died in the resulting crash. Evidence later indicated that, at the time, John was suffering from reactive depression caused by the death of his mother some weeks earlier.

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 Discuss the criminal liability of George and of Ian arising out of the incidents that occurred in the queue. *(25 marks + 5 marks for AO3)*
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 Discuss the liability of John for the murder of Henry. *(25 marks)*
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 Write a critical analysis of the current law on the non-fatal offences against the person. Include in your analysis a discussion of what reforms might be desirable. *(25 marks)*

Turn over for the next theme

Turn over ►

Contract Law

Total for this scenario: 80 marks

Scenario 3

Andy sent an identical message to Bilal, Carl and Derek, inviting each to quote a price for building an extension to his offices. The message ended, "The lowest quoted price will win the job." Bilal's price was the lowest at £40 000, but he refused to go ahead with the job after Andy selected him. Andy then chose Carl, even though Derek's quote of £45 000 was £5000 less than Carl's quote. After Carl had been working on the extension for some weeks, he suddenly told Andy that, because his expenses had unexpectedly increased significantly, he would be unable to complete the work unless Andy agreed to pay an extra £10 000. Andy reluctantly agreed to do so. Later, when he was inspecting the nearly-completed work, Andy found that some of the plastering on the walls was of a very poor standard.

Andy carried on business mainly on behalf of the Government but also for some private clients. To assist him specifically with the Government business, he ordered equipment to the value of £20 000 from Ed. £5000 was to be paid immediately and the remainder on delivery. He chose Ed as his supplier because Ed assured him that he had a large workforce that would be available to service the equipment at any time. In fact, when he told Andy this, Ed had just lost a number of key workers, whom he was finding it difficult to replace. Before the order was delivered, but after Ed had incurred expenses of £8000, the Government signed an international agreement. That agreement made it illegal for the Government to enter into contracts for the kind of work that Andy was doing. The Government immediately terminated its contract with Andy.

- 0 7** Discuss the duties, rights and remedies of Andy, of Bilal, of Carl and of Derek arising out of the quoting of prices for the building of the extension, and of the actual work done by Carl. *(25 marks + 5 marks for AO3)*
- 0 8** On the assumption that Andy does not want to proceed with his contract with Ed and wishes to recover the £5000 already paid, consider the duties, rights and remedies of Andy and of Ed arising out of the contract for the supply of the equipment. *(25 marks)*
- 0 9** Write a critical analysis of the approach of the law to the effect of terms which attempt to limit or exclude the liability of one party for a breach of contract. Include in your answer a discussion of any reforms which might be desirable. *(25 marks)*

Total for this scenario: 80 marks

Scenario 4

Geri advertised a special edition of Shakespeare plays for sale at £500 in a book magazine. Her good friend, Helen, saw the advertisement and left a message on Geri's phone, agreeing to pay the £500. The message ended, "If I hear nothing from you by tomorrow morning, I will consider the book mine!" Shortly after Geri saw the message, Jamelia rang and immediately offered to pay £600 by cheque when she learned that the book might already have been sold. Having thought about it for a few hours, Geri texted Jamelia to ask, "Will you pay in cash?" Jamelia texted back, "Yes". However, out of loyalty to her friend, Geri decided to keep the book for Helen. When she told Helen this the next day, Helen said, "Oh, sorry! I know you will not mind but I need all my money just now, so I cannot buy the book from you." By this time, Jamelia was no longer interested in the book, which Geri eventually sold for £400.

Geri bought a self-assembly bookcase from Storeright for £300, after studying the online catalogue. She was particularly interested in shelf heights as she had some tall books. However, she found that there was no way of assembling the bookcase which would provide sufficient space for the books, despite the dimensions quoted in the catalogue. When she complained, Storeright sent a replacement bookcase which arrived just as she was going on holiday, and it was a further four weeks before she examined it properly. When she did so, she found that the dimensions were suitable, but that there were some very visible dents and scratches to the shelves and supports. Storeright offered to reduce the price by £50, but also pointed out that she had signed a delivery note that stated that Storeright accepted no liability for any defect which was not notified in writing within two weeks of delivery.

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 Discuss the duties, rights and remedies that may apply to Geri, to Helen and to Jamelia, arising out of Geri's attempts to sell the book. *(25 marks + 5 marks for AO3)*
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 Discuss Geri's rights and remedies in relation to her contractual dealings with Storeright. *(25 marks)*
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 Write a critical analysis of the approach of the law to the effect of terms which attempt to limit or exclude the liability of one party for a breach of contract. Include in your answer a discussion of any reforms which might be desirable. *(25 marks)*

END OF QUESTIONS

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